



**MEETING OF THE CITY COUNCIL
City Council Chambers
125 East Third Street
City of Salida, Colorado
Monday, December 1, 2008, 6:00 p.m.**

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

- I. MEETING CALLED TO ORDER**
- II. PLEDGE OF ALLEGIANCE** – Led by Mayor Charles Rose
- III. ROLL CALL**
- IV. CITIZEN PARTICIPATION** – 3 minute time limit
- V. PRESENTATIONS**
 - 1. Geothermal Hot Springs presentation by Fred Henderson**

VI. SCHEDULED ITEMS

- 1. Consent Agenda (Janella Martinez)** **Section 1**
 - a. Approval of Agenda
 - b. Approval of Minutes: November 3, 2008, November 17, 2008 & Special Meeting Minutes November 20, 2008.
 - c. Liquor License renewals: Fiesta Mexicana Two, High's Liquor, Salida Elks Lodge Arlie Dale's Jug Liquors.
- 2. 1.0% Sales Tax Increase & Repeal of Property Tax Ordinance-Public Hearing** **Section 2**

Ordinance 2008-~~34~~ approving a 1.0% sales tax increase and a repeal of City property tax (2nd reading) (Mike Copp)
- 3. Occupational Tax Ordinance – Public Hearing (Mike Copp)** **Section 3**

Ordinance 2008-~~35~~ approving an occupational tax of \$2.50 per room on lodging.(2nd reading)
- 4. Affordable Housing Ordinance – Public Hearing (Dara MacDonald)** **Section 4**

Ordinance 2008 - ~~33~~ amending Sections 16-1-80, Table 16-E and 16-16-50 of the Salida Municipal Code regarding Affordable Housing. (2nd reading)

Agenda December 1, 2008

The order of agenda items listed above are approximate and intended as a guideline for the City Council. Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk, 124 E St., Salida, CO 81201, 719-539-2311 at least 48 hours in advance.

- 5. **CDOT Enhancement grant** – (Dara MacDonald) **Section 5**
Resolution 2008-92 supporting the contract amendment #1 to the Agreement between the City of Salida and the State of Colorado Department of Transportation for an Enhancement Grant.

- 6. **State Tax Credit** (Dara MacDonald) **Section 6**
Resolution 2008 – 93 declining to act as a reviewing entity for the State Income Tax Credit program for qualifying Rehabilitation Projects under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended)

- 7. **City Administrator & Department Reports** **Section 7**
 - a. Administrator’s Report – (Mike Copp)
 - 1.) 2009 Salida Street Programs - approval
 - 2.) City Administrator Search – update
 - 3.) Poncha Hot Springs RFP – approval to release
 - 4.) Episcopal Church Street Ideas - update

- 8. **Elected Official Reports** **Section 8**
 - a. City Clerk
 - b. City Treasurer
 - c. Mayor
 - d. City Council

VII. EXECUTIVE SESSION

- 1. For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R. S. Section 24-6-402 (4)(b); and for the purpose of determining positions relative to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 24-6-402 (4)(e);

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: a. To discuss the Vandaveer Ranch purchase & sale.
b. Poncha Springs sewer billing dispute.

VIII. ADJOURNMENT

Mayor

[SEAL]

City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: December 1, 2008
AGENDA ITEM TITLE: Consent Agenda Items
PRESENTED BY: Janella Martinez, City Clerk
AGENDA SECTION: Consent Agenda

REQUESTS:

- a. Approval of Agenda
- b. Approval of Minutes: November 3, 2008, November 17, 2008
- c. Liquor Licenses: Fiesta Mexicana Two, High's Liquor, Salida Elks Lodge, Arlie Dale's Jug Liquors.

BACKGROUND:

- c. A request by Martin Rangel dba **Fiesta Mexicana Two**, 1220 1070 East HWY 50., to renew a Hotel & Restaurant Liquor license. The current license expires January 17, 2009.

A request by Cahill Properties, Inc. dba **High's Liquor**, 1435 East Rainbow Blvd., to renew a Retail Liquor Store license (OFF PREMISES). The current license expires, January 21, 2009

A request by Salida Lodge No 808 BPOE, Inc. dba **Salida Elks Lodge No 808**, 148 East 2nd Street, to renew a Club Liquor license. The current license expires December 12, 2008.

A request by Hixon, Inc. dba **Arlie Dale's Jug Liquors**, 220 North F Street to renew a Retail Liquor Store license (OFF PREMISES). The current license expires, December 29, 2008.

The Fire Chief, Police Dept. and City Clerk have completed their investigations and the signed check lists are attached for Council review.

*Note: These renewal applications do not contain any changes from the current license.

RECCOMENDATION:

Staff recommends combining and approving the items on the consent agenda.

ACTION:

If Council wishes to approve the items on the consent agenda:

Consent Agenda items are considered routine requests. Should a Council Member wish to discuss any of these items, a request should be made to remove an item, and to place it under another section of the agenda.

A Council member should make a motion to combine and approve the items on the consent.

Followed by a second, and then a simple voice vote.



**MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS
125 E. 3rd Street**

Salida, Colorado

November 3, 2008

6:00 p.m.

EXECUTIVE SESSION @ 5:30 p.m.

A motion was made by Moore to go into executive session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R. S. Section 24-6-402 (4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: To discuss the Vandaveer Ranch purchase and; for the purpose of determining positions relative to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 24-6-402 (4)(e); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: To discuss the Vandaveer Ranch purchase. The motion was seconded by Young. With all in consensus, THE MOTION CARRIED.

Mayor Rose announced the time as 6:06 p.m.

Those present during executive session were; Mayor Rose, Council Members Jay Moore, Hugh Young, Jim McCormick, and Scott Damman. Also present were Interim City Administrator Mike Copp, City Clerk Janella Martinez, City Treasurer Greg Amidon, and City Attorney Karl Hanlon.

No decisions were made.

A regular meeting of the Salida City Council was held this date in Council Chambers. The meeting was called to order at 6:15 p.m. by Mayor Charles Rose.

PLEDGE OF ALLEGIANCE –

Led by Mayor Charles Rose.

ROLL CALL -

Present at roll call were Mayor Charles Rose, Council Members Scott Damman, Jim McCormick, Jay Moore, and Hugh Young. Also present were Interim City Administrator Mike Copp, City Clerk Janella Martinez, City Treasurer Greg Amidon and City Attorney Karl Hanlon.

Absent were Council Members Keith Baker, and Tom Yerkey.

PRESENTATIONS -

1. Proclamation – National Hospice Month (Mayor Rose)

Mayor Rose proclaimed November 2008 as National Hospice Month and presented the proclamation to Debbie Cole, and Marriane Katte. Mayor Rose thanked the volunteers and acknowledged them for the work they do.

2. Presentation from Governors Energy Office

Council Member Damman noted that several City and County officials have been working with the
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Governors Energy Office in developing the insulate and seal program.

Joani Matranga of the Governor's Energy Office gave a Power Point presentation to Council updating information regarding renewable energy resources. The Governor's office has partnered with communities and other agencies around the state for this project.

CITIZEN PARTICIPATION – There were no speakers.

SCHEDULED ITEMS -

3. Consent Agenda

City Clerk Janella Martinez presented written materials that are included in the packet for the record.

- a. Approval of Agenda
 - b. Liquor License renewals: First Street Café
 - c. Transfer of Ownership by Tenderfoot Tavern, Inc dba Tenderfoot Tavern
1. A request to renew a Hotel & Restaurant Liquor License by First Street Cafe, Inc. dba First Street Cafe, the current license expires November 05, 2008.*

* Note: These renewal applications do not contain any changes from the current license

- d. Transfer of Ownership by Tenderfoot Tavern, Inc dba Tenderfoot Tavern

Tenderfoot Tavern, Inc. dba Tenderfoot Tavern, submitted an application for a Transfer of Ownership for a Tavern liquor license at 109 North F Street, Salida, CO. The location was previously licensed as Triple M.

During a Transfer of Ownership process an applicant may apply for a temporary permit to sell alcohol for an additional \$100. Tenderfoot Tavern Inc. has applied for a temporary permit. City Council, as the liquor licensing authority for the City of Salida, approved the temporary permit during the October 20, 2008 Council meeting. The temporary permit will allow Don and Mary Holmes principal officers of Tenderfoot Tavern, LLC. to sell liquor, and will be valid for 120 days. The temporary permit will allow the liquor sales to continue while waiting for the State liquor authority to process the Transfer of Ownership application.

As of October 28, 2008 the temporary permit had not been issued. The applicant will notify the City Clerk when all of the necessary inspections have been completed. No licenses can be issued until the building is ready for occupancy, and final inspections have been completed and deemed satisfactory.

Copies of the Administrative Compliance Plan sign off sheet, used for new license applications, are included for Council review. Upon approval by the State, the clerk will issue the local liquor license.

A motion was made by Moore to combine and approve the items on the consent agenda. The motion was seconded by Young. With all in consensus, THE MOTION CARRIED.

4. Downtown Recycle Bins

Interim City Administrator Mike Copp presented written materials that are included in the packet for the record.

At the October 20th, 2008 Salida City Council meeting, the City of Salida was asked for their participation in the proposed downtown recycling program that was presented by the Downtown Businesses in conjunction with Angel of Shavano Recycling and Brock Oyler. The City Council asked that staff meet with the parties involved and come back to Council with a recommendation. Please see the memorandum from Rob Vance, Public Works Director, a copy is included in the packet.

Administrator Copp recommended that the City approve its participation in the recycling project by having the City Public Works' crews empty the downtown recycle bins. The City program will last for one year and then be evaluated and that no more than 4 bins be placed in the downtown in this first year. Review at the end of the year and see if the city wants to continue the project.

A motion was made by Young to participate in the downtown recycle program for one year with no more than 4 bins placed in the downtown area and that the City evaluate the program at the end of the one year time frame. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.

5. HRRMC Overall Development Plan- Public Hearing

Ordinance 2008-29 approving an Overall Development Plan for 24.45 acres known as Heart of the Rockies Regional Medical Campus as a Planned Development. (2nd reading)

Dara MacDonald, City Planner, presented written materials that are included in the packet for the record.

The request is for a Major Planned Development which will create four additional lots from the existing 24.45 acre lot where the new hospital is located. The project would be known as the Heart of the Rockies Regional Medical Campus Overall Development Plan. An Overall Development Plan (ODP) is the first step in the zoning of a property as a Planned Development District.

The applicant is the Salida Hospital District, Heart of the Rockies Regional Medical Center, represented by Barbara Abel, 1000 Rush Drive, Salida, CO 81201.

An application for zoning a property as a planned development consists of a two-step process. The request is addressed by the Planning Commission through a public hearing process. The Planning Commission makes a recommendation of approval, approval with conditions, or denial of the zoning application to City Council. Council has final decision-making authority in such applications.

The Planning Commission recommended on September 22, 2008 that the City Council adopt the ODP with the following conditions.

1. The applicant shall make a direct connection to the Mesa Lane Trail from the eastern pedestrian access with the construction of a concrete pathway.
2. An area calculation for the new development needs to be shown for the common area of Lot 1 on plan sheet L-08-35.
3. That all parking and circulation improvements have curb and gutter including landscaping islands, and edges of parking lots.
4. That the storm water management standards of Section 169-80 are met.
5. That the perimeter trail is completed by March 13, 2011 and that the trail is relocated when necessary to accommodate future development on the site such that there remains a trail roughly following the perimeter of the 25-acre site in perpetuity.
6. If at any time CDOT determines intersection improvements such as signalization or a roundabout are required for the intersection of the hospital access and CR 175 and SH 291, it shall be the responsibility of the hospital district to install such a signal or roundabout. A roundabout shall be the preferred improvement. If it is determined that future land uses not yet approved will have an impact on the intersection due to the hospital uses, the hospital district will share in the costs for the improvements with the owners of such other uses on a proportional basis. The City of Salida and Chaffee County will not be responsible for the costs of improvements at the intersection.

7. That the hospital provide access to the perimeter trail to allow future connections to the trail from neighboring properties provided that such connections would be constructed by the neighboring property owner and following a finding by the City Administrator or his or her designee that there is no erosion risk caused by the construction of the proposed connection.
8. That the applicant shall make a direct pedestrian connection from the new development to the hospital.
9. The applicant shall provide staff the covenants for the medical campus to be reviewed at final development plan proposal.
10. If any new fencing is installed it will comply with the Division of Wildlife letter dated August 25, 2008.
11. The applicant shall obtain a CDOT access permit prior to the submission of the Final Development application.
12. That all conditions of approval are satisfied prior to issuance of a Certificate of Occupancy unless otherwise indicated in the condition.

The motion was passed on first reading to approve the application subject to the recommended conditions above and the additional condition:

13. That the applicant and staff negotiate a cash in lieu fee for the cost of that portion of the bike path that would be eliminated by this ODP to be used for other trails and parks or the alternative entire bike path is eliminated and an equivalent amount of funds be paid towards other trails or parks.

Staff is scheduled to meet with the applicant regarding this condition on Monday, prior to the Council hearing. An update on those discussions will be provided at the Council meeting.

Summary of Requested Deviations

Reduced Setbacks – The applicants have proposed to have setbacks as low as zero (0) on the proposed Lots 2, 3, 4 & 5. The perimeter setbacks of Lot 1 which encompasses Lots 2- 5 have all been met with this application. These lots will be similar to what are known as “pad” sites in some communities. They will include a building and limited landscaping within a larger development and allow the investors to have ownership of the building while sharing responsibility for common facilities such as parking lots and landscaping. The effect of the zero setbacks once the project is constructed will not be discernable from a project that includes multiple buildings under a single ownership.

Parking Spaces, Landscaping, Drainage and Lot Coverage– Because Lots 2 – 5 are pad sites the standard requirements for onsite parking, landscaping, stormwater detention and maximum lot coverage can not be achieved for each lot. However, as with the setbacks, all of these are achieved in the larger Lot 1. In fact, they are achieved in the immediate area around Lots 2- 5.

Summary of Benefits to the City

Pedestrian Connections – The overall development plan approval is conditioned on providing a concrete connection from the Mesa Lane Trail to the interior sidewalk system of the medical offices area and a direct pathway from there to the sidewalk leading to the main entrance of the hospital. If these office buildings were developed in a less coordinated manner, it may not be possible to ensure this level of pedestrian connectivity.

Consistent Architecture and Uses – By maintaining the entire 25-acre as one development, the covenants will require consistent architectural standards, landscape style and uses compatible with the hospital. By growing the medical center in this location, we can encourage ‘onestop shopping’ for people needing medical treatment as well as convenience for medical professionals.

Dara MacDonald gave a verbal overview of the written materials that are included in the packet. Staff met with Ms. Abel today and a copy of the proposal by Diesslin Structures, Inc was presented to Council that puts the construction at a cost of \$7 per linear ft. Salida Public Works estimated the cost at \$17 - \$20 per linear foot, which was presented to Council at the last City Council meeting. The hospital is not particularly in favor of constructing a trail on their property, and would like to pursue abandonment of that trail. The hospital is interested in some sort of payment in lieu of construction of that trail. Given Council and the Recreation Advisory Board direction received, staff does not recommend abandonment of that entire perimeter trail, but to look at this project for the medical services complex that will benefit the community. They propose to either have the trail along Rush Drive to a sidewalk standard that will accommodate a trail usage and make it 8ft wide until it joins up with the perimeter trail as shown on the plan or do a typical sidewalk in that area and pay a fee in lieu of \$13 per linear ft, a compromised price for each linear foot of trail that was lost due to the revised development plan.

The suggested condition is to have the applicant complete an 8 ft. sidewalk to provide a continuance trail construction. A discussion followed.

Council Member Damman asked Barbara Abel, Vice President of the hospital, if the trail could be located behind the building. She said that the area behind the building was so tight along the hillside as well as the proposed building pads. Plus it's tight with the required turning radius on the streets. The hospital is willing to fund a compromised figure for the compromised trail if an 8 ft trail is more common at a cost of \$33,224. The hospital is prepared to commit to that. The side walk on HWY 291 is already built. The hospital would prefer to not build the entire thing. Ms. Abel asked Council to consider abandoning the whole thing.

Bill Smith, 511 South Park Avenue, said the Recreation Advisory Board met for the first time. The board is trying to come up with how the recreation board will handle not just this project but to work on the philosophy of how to approach these issues in the future. He talked about how to handle this issue and tried to view the long term effects into the future. The recreation board feels very strongly that sidewalks are not trails. Access cuts along sidewalks can be dangerous to pedestrian and bike traffic, but on a trail you don't need to worry about getting hit by car. Generally the recreation board is not in favor of a fee in lieu as opposed to the loss of the future connection of trails in the community. If the City sets a precedent of creating fee in lieu, the cost of the land needs to be considered with the cost of the trail. There is a natural connection in long term with this property going to Franz Lake and up Mesa Trail

The cost of the trail and the cost of the land should be considered when figuring out a fee in lieu because when a trail is moved the land will have to be acquired not just the cost of the trail

Council Member Young stated that the Parks and Recreation Board and SPOT considers this piece of land important to the connective piece of trail for the future development in that area. Mr. Smith agreed and said that this should be looked at as a piece of the trail that connects with the development at Franz Lake and also to connect with the trail on Crestone Avenue.

Mayor Rose opened the public hearing and asked for any public comment.

Ms. Abel, Vice President for Heart of the Rockies Regional Medical Campus, stated that she felt like we should be talking about removing barriers from what the hospital wants to do here. Ms. Abel said we should be talking about the impacts in this community from 150 babies being born, the 800 visits to the emergency room, and the 70 million dollar payroll. She feels that barriers continue to arise. We agreed to a walking trail around the perimeter and the City asked for this. Our mission is to provide healthcare to our citizens. In the long term we see development of medical buildings on the property. Ms. Abel asked for Council to consider removing barriers rather than placing them in front of us.

Mayor Rose stated that originally the hospital agreed to the City's conditions and the game was

changed. Council is now being put back in the position to consider changing the request again. Rather than barriers, it is a condition that was put in place. When the hospital wants to win and when we try to win, we lose sight of this altogether. We are talking about a trail and these are negotiations.

Mayor Rose asked for any other public comments. There were none. Mayor Rose closed the public hearing.

A motion was made by Damman to continue ORDINANCE 2008-29 AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO ZONING A 24.45 ACRE AREA OF LAND KNOWN AS THE HEART OF THE ROCKIES REGIONAL MEDICAL CAMPUS AS A PLANNED DEVELOPMENT, to the November 17, 2008 City Council Meeting. Included in the motion that a meeting is scheduled with Ms. Abel, Council Members McCormick, Damman and Mayor Rose to discuss another possible option that does not include abandoning the trail.

6. Lease Purchase for the Old Hospital Site – Public Hearing

Ordinance 2008-31 authorizing the execution and delivery of a site lease between the City, as lessor, and an investor or financial intermediary to be identified, and, in connection therewith, a lease purchase agreement between the City, as lessee, and such investor or financial intermediary, with respect to certain real and personal property to be used by the City as a community services complex; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby and providing for related matters.

Finance Director Jan Schmidt presented written information that will be included in the packet. The request is to authorize the execution of a lease purchase agreement for the new City County Municipal Complex facility. Funds would be used to repay the bridge financing from Collegiate Peaks for the City's portion of the purchase price and to pay for a portion of the remodeling and updating of the old hospital building for use as City municipal offices and County services.

Council already approved a similar ordinance (2008-23) in July for the same purpose; however, the financing approved at that time did not fund. The City obtained a short-term loan from Collegiate Peaks Bank to provide the cash required to close the contract as scheduled. Staff then issued an updated request for financing proposals from a number of different banks. At the Council meeting on October 6th, staff provided a summary of the terms that were offered by the three different institutions that were interested in the financing. Ms. Schmidt has been working through final details of the financing with the group that offered what we believe to be the best overall terms in response to the City's financing request.

The proposed form of financing includes the following terms:

- Financing is secured by a lease-purchase of the facility, consisting of two separate agreements. It includes a site lease to the investor for a term of 30 years, with a lease back to the city under a lease purchase agreement for a term of 20 years.
- The City's lease payments must be appropriated in the budget each year. Payments to the investor are base rentals that consist of a principle component and an interest component at a fixed rate of interest.
- The closing will take place in November, at the quoted fixed rate of interest, with a second amount to fund no later than December 31, 2008 at an interest in the range of 5.35% to 5.85%
- A one-time extraordinary redemption will be allowed with no penalty to repay a portion of the financing if the City sells the two properties on Third Street.
- The principle can be repaid at par value after year 10, at 101% during years 6 to 10, or at 102% during the first five years.

This ordinance is being presented as an emergency ordinance that will lock in the interest rate. Passing this emergency ordinance will eliminate the time frame that is required by passing an ordinance in the usual manner.

A requested revision will allow Finance Director Jan Schmidt to set up a reserve to be used for one year's base rentals to be released upon occupancy of the building.

The ordinance allows for flexibility in reaching all of the final terms and conditions. Passage as an emergency ordinance is requested to take advantage of the quoted rate of interest.

Mayor Rose opened the public hearing. He asked for those who wished to speak either for or against this ordinance to come forward. There were no comments. Mayor Rose closed the hearing. He asked for any Council discussion. There was none.

A motion was made by Damman to approve ORDINANCE 2008-31 FOR AN EMERGENCY ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SITE LEASE BETWEEN THE CITY AS LESSOR AND AN INVESTOR OR FINANCIAL INTERMEDIARY TO BE IDENTIFIED, AND, IN CONNECTION THEREWITH, A LEASE PURCHASE AGREEMENT BETWEEN THE CITY, AS LESSEE, AND SUCH INVESTOR OR FINANCIAL INTERMEDIARY, WITH RESPECT TO CERTAIN REAL AND PERSONAL PROPERTY TO BE USED BY THE CITY AS A COMMUNITY SERVICE COMPLEX; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY AND PROVIDING FOR RELATED MATTERS, AND DECLARING AN EMERGENCY, and to set up a reserve to be used for one years base rentals to be released upon occupancy of the building. The motion was seconded by Young. Those voting yea were Damman, McCormick and Young. Voting Nay was Moore. THE MOTION CARRIED.

7. IGA South Arkansas Fire Protection District-

Resolution 2008- 87 approving a 3 year Intergovernmental Agreement between the City of Salida and the South Arkansas Fire Protection District.

Interim City Administrator Mike Copp presented an overview of the written materials that are included in the packet for the record.

Prior to this year a cooperative agreement has been renewed annually by City Council to provide fire protection to citizens of the South Arkansas Fire Protection District. The service was provided through a cooperative agreement in which the South Arkansas Fire Protection District paid the City of Salida for this service.

Changes to this year's agreement include establishing an Intergovernmental Agreement for a period of 3 years based upon an agreed upon formula which shall include payment at a minimum amount of \$70,000 and a commitment of funds directly to the fire department in an amount to total an agreed upon budget percentage which reflects both response volume and also property values within each jurisdiction.

Two members from the District were present and noted that the agreement was passed by their board; Fred Jackson and Rick Shovald.

A motion was made by Moore to pass RESOLUTION 2008- 87 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING A 3 YEAR INTERAGENCY AGREEMENT BETWEEN THE CITY OF SALIDA AND THE SOUTH ARKANSAS FIRE PROTECTION DISTRICT AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE SUCH AGREEMENT. The motion was seconded by McCormick. With all in consensus, THE MOTION CARRIED.

8. Unique Theater Financing Amendment –

Resolution 2008-88 second amendment to the Financing and Remediation agreement with Salcat Properties.

Jan Schmidt presented an overview of the written materials that are included in the packet for the record.

The City of Salida and Salcat Properties, LLC entered into a Finance and Remediation Agreement on February 23, 2007, whereby the City agreed to advance funds for the stabilization and remediation of the historic Unique Theater in downtown Salida. The City holds a first deed of trust on the property. On October 6, 2008, Council declared Salcat to be in default due to non-performance on loan payments and decided to proceed with foreclosure proceedings on the property. On October 20, this action was delayed upon a request by a representative of Salcat for an extension of time to address the default.

On October 27, 2008, a representative of Salcat presented a request to the finance committee that staff believes will make substantial progress toward the original intent behind the 2007 Council action. As communicated to staff and a member of the Finance Committee, Salcat's principal member will make a contribution into the company in the approximate amount owed to the City of Salida

- \$70,000 will be used to pay down the amount owed to the City of Salida
- The remainder of approximately \$32,000 will be placed into an escrow account for use in making improvements to the building façade and other items in violation of the City's property maintenance code. The City would approve the plans and specifications, as well as the actual work performed, prior to approving a draw of the escrow funds for such purpose.
- Payment of the remaining amounts owed to the City would be made over the next three years, extending what was originally a 2-year period to a period of 5 years and 5 months.

The entire draft amendment is included in the packet for Council review. It is recommended that the City Council amend the Unique Theater financing agreement.

Carlo Boyd, 29320 CR 361, Buena Vista was involved with Friends of the Unique who had the vision to make the theater a community venture but it fell through. Mr. Boyd said there is no cultural center in downtown Salida and that there are grants with 100's of thousands of dollars available to make this happen. He attended Philanthropy Days and his ideas were welcomed. He said there if this property is defaulted on, the City should look into the grant dollars available to make a cultural center happen.

Barbara Simonson, 350 West 6th Street, said right now there are eight holes in the roof that should certainly be addressed. She didn't understand why the City would loan money for this building.

Council Member Moore said that he was on Council at the time the money was lent to SalCat Properties. The money was lent for stabilizing the building for safety reasons. If the building was condemned the City would be held responsible for it. Mayor Rose noted that it is a great building and that it is now SalCat's building.

Ms. Simonson noted that there was the possibility that it could be come the City problem if SalCat would default. There is mold back there and if not corrected it will become a bigger mess the longer the holes are left open. Mr. Boyd noted that the windows up above the sidewalk should be boarded up.

Council Member Young said that he was on Council when the City was faced with these choices. Trying to move ourselves progressively to a better situation at the Unique property. The City does not want to be in building development business downtown. Young noted that the City has invested in a cultural center at the SteamPlant. He said he would be a proponent if someone wants to develop the Unique.

Schmidt said the intent behind this agreement is to pay the city and protects our exposure while continuing to make some progress. Council Members felt that extending the agreement would help

continue progress at the Unique Theater.

A motion was made by Moore to approve RESOLUTION 2008-88 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING A SECOND AMENDMENT TO FINANCING AND REMEDIATION AGREEMENT FOR THE UNIQUE THEATER PROPERTY. The motion was seconded by Young. With all in consensus, THE MOTION CARRIED.

9. Meter Installation Fees – 1st reading

Ordinance 2008-32 amending Section 13-3-50-(f) regarding water meter appurtenances and 13-3-10(f) regarding special fees for water use and service. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING SECTION 13-3-50(f) OF THE SALIDA MUNICIPAL CODE REGARDING WATER METER APPURTENANCES AND 13-3-210(f) OF THE CODE REGARDING SPECIAL FEES FOR WATER USE AND SERVICE.

Finance Director Jan Schmidt presented written information that is included in the packet for the record. Currently per the code, after application for water service to the Utility Billing Department and payment of all required system development fees by a consumer, connections from the water main to the property line of a consumer, including trenching, tap, pipe, shut-off, backfilling and any required repaving, shall be performed by the consumer. However, after further inspections, Public Works found that the meter itself was being installed improperly; placement of the meter was in an inappropriate location thus making reading of the meters difficult and not always accurate.

Staff would suggest adopting the following proposed code changes to the Municipal Code to charge the consumer for installing of meters up to 1". A fee of one hundred dollars (\$100.00) for installation of all meters up to 1", the fee shall be payable at the time of water and sewer application. All meters larger than 1" need to be installed by a certified plumber and under the supervision of the Public Works Director. The consumer, when ready for installation, must give Public Works three days (for scheduling) notice prior to installation. The fee can be modified from time to time by resolution of the City Council to approximate the cost of such service. New wells are not permitted would apply to all new services when tapping into main;

A discussion followed. Council Member McCormick expressed concern over charging a fee of \$100 for a citizen to do this work correctly. He wanted to know the number of times this happens. Administrator Copp explained that it becomes a hardship to the home owner when Public Works comes to inspect and the meter that hasn't been installed correctly. Council Members felt they need more information from Public Works Director Rob Vance before proceeding any further.

A motion was made by Moore to table Ordinance 2008-32 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING CHAPTER 13 OF THE SALIDA MUNICIPAL UTILITIES CODE, "WATER RATES AND CHARGES", BY THE ADDITION OF A NEW SECTION 13-3-210 (F) (1) METER INSTALLATION FEES, until the November 17, 2008 City Council meeting. The motion was seconded by Young. With all in consensus, THE MOTION CARRIED.

City Administrator & Department Reports

a. Administrator's Report –

Interim City Administrator Mike Copp presented written materials that are included in the packet for the record.

1. Public Works Projects-Update

A memo from Public Works Director Rob Vance with project updates is included in the packet for the record. The M Street project is completed and the Chip Seal program is proceeding.

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2. Water Plant and Wastewater Plant Improvements - update

The water plant improvement project is moving forward. The mandatory prebid meeting was held on October 24th and was attended by three prospective bidders. Bid proposals are due back by 3:00 PM November 10th at which time they will be opened at City Hall. The bids will be presented to City Council for award at the November 17th meeting.

Staff has met with City Engineers SGM on moving forward with improvements and expansion to our current wastewater treatment plant. When plans are further developed, SGM and staff suggest a work session with City Council. Administrator Copp will keep Council updated and have possible dates for the work session.

3. Possible change of Council Meeting Dates - update

At the next City Council meeting you will receive a resolution that will, if approved, change City Council meeting dates from the 1st and 3rd Mondays of the month to the 1st and 3rd Tuesdays of the month. This is being suggested as packets aren't completed until Friday and many Council Members aren't able to pick them up until Monday. It allows for Council to be able to schedule longer weekends. We want to let the public know about our change in Council meeting dates ahead of next week's resolution.

4. City Administrator Search-set dates

At the last City Council executive session the Salida City Council narrowed the search for a permanent City Administrator to its semi finalists. Administrator Copp sent them a list of questions to answer and those are due back to us by Friday November 14th. The Council needs to select a date within the next week to review the applicants and select the finalists for formal interviews. The interviews should take place either the 1st or 2nd week of December. If Council and the selected candidate reach an agreement, that person then will be able to start his/her job by the beginning of January. The selected candidates are excited to move forward.

5. Water Conservation Planning

March 2008, the City of Salida was awarded a Water Conservation Planning Grant in the amount of \$28,995 to aid in completing a Water Conservation Plan that will make effective and responsible use of the City's water resources. Having a state-approved water conservation plan is required before seeking financial assistance from the Colorado Water Conservation Board (CWCB) or the Colorado Water Resources and Power Development Authority.

Over the past several months staff has spent many hours working with Clear Water Solutions (CWS) to provide data and discuss ideas for future conservation measures. We now have a draft plan, which has been circulated for review by staff. Once those comments are incorporated by CWS, we will distribute an updated draft for Council and then proceed with the public hearing process.

The schedule that has been proposed by CWS is as follows:

- Staff comments back to CWS – Oct 31.
- CWS incorporates comments and provides revised plan to staff for Council review – Nov 5.
- Council comments to CWS by Nov 13.
- 60-day public review period – Nov 17 – Jan 16.
- Incorporate public comments, if any
- Council adoption of plan – end of Jan 2009
- Submit to CWCB for approval – early Feb
- CWCB approval – 90 days

The City can qualify for implementation grants after CWCB approval.

Elected Official Reports-

a. City Clerk

Three water samples were submitted dated 10/14/08 (3). All tested safe as reported by the Colorado Department of Health.

Council Members have requested that the water samples report will be included as a part of the written packet, but will not be read during the meeting.

b. City Treasurer

Greg Amidon, City Treasurer noted that Council is meeting November 12, 2008 for a budget work session. The public hearing will be held November 17, 2008 and, if needed, a second session is scheduled for November 24th.

c. Mayor

d. City Council

Council Member Moore reminded the citizens of Salida to get out and vote.

Council Member Young said that Ms. Abel, Vice President of the hospital noted that the hospital is vital and an important part of the community, certainly to the economic base, and by providing wonderful healthcare. When the hospital district was talking about moving out of our community, the City of Salida came forward to keep this vital part of the local economy within the City. This was done to keep the important services the hospital provides to our citizens and for the City to keep it in the community. The hospital then came back and asked for us to give them 20 acres at no cost. The City gave it to them. Then the hospital came back to us and asked for additional 5 acres, which was given to them. The hospital has had a tremendous amount of support and the City wants to make sure it will stay here on a fantastic piece of land that does have potential for a bike trail. Young would like the members who will be meeting with the hospital representatives to keep these things in mind when meeting this week.

Council Member Damman thanked Council Member Young for his comments.

EXECUTIVE SESSION-

A motion was made by Young to go into executive session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions, under C. R. S. Section 246-402 (4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Poncha Springs sewer billing dispute and; for the purpose of determining positions relative to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 246-402 (4)(e); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Poncha Springs sewer billing dispute. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Mayor Rose asked for a motion to take a five minute recess.

A motion was made by Young to take a five minute recess. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Mayor Rose announced the time as 8:39

Those present for executive session were Mayor Rose, Council Members Scott Damman, Jim McCormick, Jay Moore, and Hugh Young. Also present were Interim Administrator Mike Copp, City

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Clerk Janella Martinez, Attorney Karl Hanlon, City Treasurer Greg Amidon, and Finance Director Jan Schmidt ????

RESUME SCHEDULED ITEMS-

Mayor Rose noted the time as 8:54

11. Direction to staff regarding Poncha Springs Billing Dispute.

A motion was made by Damman to authorize the City Administrator to take all necessary steps to begin litigation in the Poncha Springs Sewer dispute. The motion was seconded by McCormick. With all in consensus, THE MOTION CARRIED.

ADJOURNMENT-

A motion was made by Moore to adjourn the meeting at 8:59. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.

Mayor

[SEAL]

City Clerk

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**MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS
125 E. 3rd Street**

Salida, Colorado

November 17, 2008

6:00 p.m.

A regular meeting of the Salida City Council was held this date in Council Chambers. The meeting was called to order at 6:02 P.M. by Mayor Chuck Rose.

PLEDGE OF ALLEGIANCE -

Led by Mayor Chuck Rose.

APPOINTMENT OF DEPUTY CITY CLERK

Yerkey moved to appoint Jennifer Orr as Deputy City Clerk. The motion was seconded by Moore. With all in consensus, **THE MOTION CARRIED.**

ROLL CALL -

Present at roll call were Mayor Chuck Rose, Council Members, Keith Baker, Jim McCormick, Hugh Young, Tom Yerkey, and Jay Moore. Also present were Interim City Administrator Mike Copp, Deputy City Clerk Jennifer Orr, Treasurer Greg Amidon, and Land Use Attorney Cassia Furman.

Absent was Council Member Scott Damman.

CITIZEN PARTICIPATION -

Gary Higgins, 532 Poncha Blvd, came as the 2008 spokesperson for the Poncha Blvd Residents, spoke briefly because he is unable to be here later in the meeting. He thanked Rob Vance, Dara McDonald, Chief Clark, Jim McCormick and Mike Copp. He and the Poncha Blvd. residents are very thankful for what is happening on the street and future changes. The residents conducted traffic studies; he noted the street has a 25 MPH speed limit and the residents clocked people doing 60 MPH. He noted that the street has become almost uncrossable. He is pleased that the City is now working towards a solution.

The Mayor thanked the Poncha Blvd. residents for taking the time to quantify the problem, coming up with a solution and bringing it to Council.

James Henry, 136 C St, came as a representative from the Episcopalian Church. He requested that 3 trees on the property that belong to the City be cut down so that the Church can repair the sidewalk. He noted that people stumble on the sidewalk. The trees are a hazard, they could fall and damage cars.

Mayor Rose thanked him for the input.

PRESENTATIONS-

1. USGS Study Proposal presentation

Don Reimer from County Planning summarized the proposal dated September 4, 2008. The goal is to have a better understanding of our water issues in order to do better planning. The overall budget of \$362,000 is for the first phase, which includes the whole Upper Ark Basin (Chaffee, Fremont, Lake and Custer). The USGS can contribute up to 35% to the cost, the Upper Ark Water Conservancy District can do \$100,000. Reimer hopes for \$125,000 from the Ark Basin Roundtable. Reimer suggested that each affected County, as a group, should come up with \$10,000 per year for the first 3 years. He further suggested that the \$10,000 be broken down between the municipalities and the counties. He proposed that Chaffee Co contribute \$5000, City of Salida \$2,500, the City of Buena Vista contribute \$1500, and Poncha Springs \$1000. Poncha, Buena Vista and Chaffee County Commissioners are willing to support this. This plan is subject to funding from USGS and contingent on grant from Ark Basin Roundtable.

The following discussion incurred:

Moore and Yerkey discussed the overlap with the Watershed Plan. The Mayor reiterated that this is a public document and published by USGS. The Mayor clarified that Reimer is asking whether the Council agrees with the \$2500, and whether to budget it in 2009 (contingent on all grants coming through). In addition the City needs to write a letter of support to send to the grant funder.

Young asked when this data would be used and how would it be used. Reimer answered that it would be used immediately by water lawyers and engineers. It will help build models so municipalities will be able to make better plans for the future. Copp says that \$2500 buys the City a lot of information. Reimer added that it will be good for planning of subdivisions, as well as it will allow for a check and balance with the developers' studies. He speculated that it could help identify well sites. Young asked why citizens of the City have to pay twice, since they are also residents of the County. Reimer answered that the County does not supply much water to county residents. The City provides water as an enterprise. McCormick likes the idea of having the information because he doesn't want Aurora to do the study and take the information for their own use. Moore noted that we are presuming a lot of things, but we really don't know where our water comes from.

McCormick moved that in principal the City is willing to pay \$2500 per year for 3 years to support this project. Baker seconded. With all in consensus MOTION PASSES.

2. Clear Water Solutions Inc presentation

Val Florie and Steve Nguyen represented Clear Water Solutions. They summarized the Draft Report from the packet. The City has set a goal to be a steward of its natural resources and implement steps to preserve water in the region for future generations. To meet this water conservation challenge, Salida has developed a Water Conservation Plan in accordance with the Water Conservation Act of 2004 and to meet the provisions of the Colorado Revised Status Section 37-60-126. The Act requires entities to have a state approved water conservation plan if they want to get low interest loans from CWCD and Colorado Water Resources Development Authority. The requirement is for entities serving over 2000 acre feet of water. Salida is not there yet, but could be soon. The City received a grant to do this plan. Florie added that there is also grant money to implement any suggested measures to save water. Clear Water solutions would like comments and will incorporate them before taking it out for public review for 60 days. After that they hope to get the plan approved and start taking measures to save water.

McCormick suggested that people should water their lawns a lot because the water goes back to the river and gets filtered on the way. He wants to store water in the ground and still have green grass by using a process called "lawn irrigation return flows". Florid noted that this kind of water would go into a water augmentation plan.

Moore noted that the correct number for Tennesee ditch water is 367. He added that the more concentrated water, as a result of low flow appliances, will affect the Waste Water Treatment Plant. The plant will not be able to handle the concentration that could be present by 2012. We will not have the Waste Water Treatment Plant redesigned by 2012.

The Mayor asked Council to do its homework and bring up any changes before the next meeting.

SCHEDULED ITEMS

1. Consent Agenda

Removed from the consent agenda the minutes from November 7th meeting.

The written materials that are included in the packet for the record were as follows.

a. Request to renew a Hotel & Restaurant Retail Liquor License by Pizza Hut of the Rockies INC. dba Pizza Hut, the current license

b. Request to renew a Beer & Wine license by Safeway.

According to Section 6-1-50 of the Salida Municipal Code, the Local Licensing Authority shall not renew any liquor license unless that premise complies with the fire code.

Young moved to combine to combine and approve the items on the consent agenda and to direct the City Clerk to issue the local and State license when the fire violations are resolved for Safeway. Moore seconded. With all in consensus, THE MOTION CARRIED.

2. HRRMC Overall Development Plan- Public Hearing- 2nd Reading

Dara MacDonald noted that this public hearing was continued from the last meeting to allow more time to discuss the location of the perimeter trail around the hospital campus. Perimeter trail will be staying. The details have been fairly worked out. There have been no other changes since the last meeting. The staff is satisfied with the negotiations.

Mayor Rose opened the Public Hearing. The Mayor noted that the trail will be above a retaining wall with a fence on the side. The Mayor added that it has been suggested by the Parks and Recreation Advisory Board that there will be a trail at CR 160 and HWY 291 with non-motorized transportation.

The Public Hearing was closed.

Young moved to approve Ordinance 2008-~~29~~ for an Overall Development Plan for 24.45 acres known as Heart of the Rockies Regional Medical Campus as a Planned Development on 2nd reading to be published by title only. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Chuck thanks staff and hospital for negotiation.

3. Affordable Housing Ordinance – Public Hearing-2nd Reading

This hearing was continued from September 3rd in order to do more research on manufactured housing. MacDonald reiterated that there are three elements to the plan. The first is to clarify the

annexation language with the attempt to facilitate the creation of affordable housing into new annexations into the City. The plan recommends starting at 10% of new residential units being constructed to affordable standards with an increase each year to 15%. MacDonald assured Council that there are a variety of ways to implement this. The second section is to look at allowing smaller lot sizes for attached housing. The third element is to remove the definition of modular homes such that modular homes would not be defined separately in the code and would be permitted in all zone districts. The City would continue to restrict mobile and manufactured homes to the R-4 zone.

McCormick asked MacDonald for a list of other towns that have this same annexation requirement. He wants to talk to others. MacDonald says most mountain communities do have these requirements. McCormick will call those people.

Yerkey said that Damman's absence was noted. Since Damman is passionate about this issue, Yerkey requested that the vote be postponed until the next meeting.

Mayor Rose opened the Public Hearing-

Don Dill of Great Western Homes of Poncha Springs spoke about modular housing. Mr. Dill said that Gunnison, Montrose, Crested Butte South, and Buena Vista do have the requirements Salida is trying to implement. Salida is the only city that he knows of that disallows modular housing.

The Public Hearing was closed.

Yerkey moved to continue Ordinance 2008 - 33 an ordinance amending Sections 16-1-80, Table 16-B, Table 16-E and 16-16-50 of the Salida Municipal Code regarding Affordable Housing. A second was made by Moore. With all in consensus, THE MOTION PASSES.

4. 1.0% Sales Tax Increase & Repeal of Property Tax Ordinance-1st reading

Mike Copp noted that voters passed 2A, allowing money for infrastructure, roads, and repairs/maintenance. Administrator Copp asked Council to vote for the ordinance.

The Mayor pointed out that it is just the portion of property taxes for portion of the City of Salida. Yerkey asked who is the benefactor with the passage of 2A? The Mayor answered that it is the commercial businesses that will benefit the most, as they will pay considerably less money.

A motion was made by Moore to pass Ordinance 2008-34, an ordinance of the City Council of the City of Salida, Colorado, amending Chapter 4, Article III of the Salida Municipal Code to provide for an increase in sales tax by one percent (1%) to be used for the purpose of funding construction, operation, maintenance, and repair of roads and other public infrastructure of the city and repealing the city's property tax, setting a public hearing date as December 1, 2008, and ordering the ordinance to be published in full. Motion seconded by Baker. With all in consensus the MOTION PASSES.

The Mayor thanked everyone who voted for 2A and gave a big thank you to Public Works for doing what they could with limited options.

Young says that it will be used for the streets, even though the City will have a very tight budget this year. It demonstrates that we have listened to the people and will have better roads as a result.

Copp said that bids will go out December 1st, get them the first of the year and hope to start in the spring.

5. Occupational Tax Ordinance-1st reading

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The Mayor mentioned that the agenda was misleading since voters passed ballot initiative 2B to impose an occupational tax of \$4.82 per night per occupied room. The mayor noted that \$4.82 is at the top end of the range and that City Council does not need to go to the top end. Copp reviewed the background and noted that the maximum is set at \$4.82 per night. Copp proposed that Council approve a range of \$2.50-4.82 per night and then schedule a meeting to get opinions from lodging owners, members of the parks and recreational commission and the City. In the meantime the City would like to get a definitive answer to determine if the County tax can still be collected. A meeting is set for 9:00 AM Thursday November 20, 2008 at the SteamPlant. Copp recommends that Council pass the motion at first reading in order to stay on schedule. The number can be different at the second reading. Copp asks that the range be from \$2.50 to \$4.82 depending on what happens with the County's lodging tax. The Mayor noted that the meeting will help Council make a final decision. The Mayor said that even though this is a 1st reading it is not necessary to take public comment but he did open the meeting for Public Comment.

-Don Jackson of Super 8, said that the lodgers asked him to come to the meeting to represent their perspective. They request City Council to postpone action pending information on whether the occupation tax conflicts with the County lodging tax. He says we do not have the framework to determine if there is a conflict. The lodgers believe there is a conflict and they will lose the 1.9% lodging tax. He is pleased that there is a meeting, but doubts that there will be resolution about the taxes. No questions of Don Jackson

-Dick Symansky, 15914 CR 260, owns 2 lodging facilities, neither one affected by the City tax because they are in the County. He does feel that the loss of advertising (since the CCVB may not be able to collect the County tax and use for its purposes) could have a big affect on his business. He does not want Council to do anything until we know more.

-Greg Ralph, 9905 East Cheyenne Circle, Marketing Director of Monarch Mountain and also Chair of the Chaffee Co. Visitors Bureau. He stated that if the County cannot collect the lodging tax it will be a threat to the County's marketing dollar. Ralph says that the County needs to step up so that we get share of the state's visitors. Tourism is the driver for the economy of Chaffee Co. Monarch employs 300 people with 200 of them living in the City of Salida. Please consider what this tax can do to affect the County's ability to market the region.

-Bill Smith, 511 Park Ave, co-chair of the Salida Parks and Recreational Commission said that if you look at the State of Colorado, this kind of tax almost never passes, but the citizens of Salida stepped up and said they want to impose the tax. The voters spoke, which says that it is important to them, please pay attention to that. The citizens want that money for improvements around the City. He understands there could be a conflict with the County, but we should not wait. It could take years to get a definitive answer through the legal court system and that is not what the people said when they voted. Smith asked that Council please work with the parties involved in order to reach a solution, but keep in mind what the voters said. No questions for Bill Smith.

Mayor Rose said that the City usually does not take public comment until the 2nd reading, but thanked those who had participated.

Closed the Public Comment.

Young interjected that this is just a first reading; there is still time for changes.

A motion was made by Baker to pass Ordinance 2008-35 an ordinance of the City Council of the City of Salida, Colorado, adopting a new Article VI of Chapter 4 of the Salida Municipal Code regarding the City's Occupational Lodging Tax with a range of \$2.50 to \$4.82, setting a public hearing date of December 1, 2008, and

ordering the ordinance to be published in full. A second was made by Moore. With all in consensus, THE MOTION PASSES.

Don Jackson had another question about whether is it possible to go to \$0? Furman reiterated that yes; it can be any number under \$4.82.

6. Tenderfoot Mountain Property Exchange-

MacDonald says this is the 3rd amendment to the contract to extend the closing timeline. PT Wood is working on financing and hopeful the contract will close before the Jan 31, 2009 deadline. The City staff recommends accepting the extension since there is no downside of extending the contract.

McCormick asked about right of ways with the Rail Road. McDonald answered that Wood is close to an agreement. He will also receive a trail easement.

A motion was made by Moore to pass Resolution 2008-89 a resolution of the City Council of the City of Salida, Colorado, authorizing the Mayor to sign an Amend/Extend Contract with P.T. Wood for the exchange of Tenderfoot Mountain Property with Lots 5-16 of the Hillside Addition. A second was made by Young. With all in consensus THE MOTION PASSES.

7. Upper Arkansas Recycling Program-

Mike Copp said that this is the Annual agreement with UAACOG for the recycling program. The good news is that our charge has been reduced by \$2000 to \$4147.00.

A motion was made by Young to pass Resolution 2008-90 a resolution of the City Council of the City of Salida, Colorado, approving an agreement for the participation with the Upper Arkansas Area Regional Recycling Program and authorizing the City Administrator and the City Clerk to execute such agreement. A second was made by Moore. With all in consensus the Motion passes.

Mayor Rose added that there are complaints about the recycling bins behind the Pool. He asked that if it is full to please take your recycling back home and come back when there is room. He did add that the dirt road has been worked on and the City hopes for lessened complaints about the dust.

8. City Council Meeting Date Change-

Copp says there have been no comments regarding this proposed change. He would like to see Council members have more time to review his or her packet of information.

A motion was made by McCormick to pass Resolution 2008 -91 establishing the first and third Tuesday of each month as the regular meeting dates for the City Council pursuant to Section 2-2-60 of the Salida Municipal Code to be effective January 2009. The motion was seconded by Moore. With all in consensus THE MOTION PASSES.

9. 2009 Budget – Public Hearing

Schmidt said that tonight is the time for a public hearing on the budget. She is not asking for approval of the budget as there are some substantial outstanding items that need to be resolved (ie the occupational tax money). She reviewed the key assumptions that are part of the budget draft. Council members can see Schmidt directly if they have questions. No questions for Schmidt.

Mayor Rose opened the Public Hearing-Maryann Katte said that she thought the City would need to look for ways to cut further.

A Budget meeting is set with City staff and Council for Nov 25th at Council Chambers from 6:00-7:30 PM.

Mayor Rose closed the Public Hearing.

10. Awarding Water Plant Improvements bid

Copp explained that the bid is outlined in the information and that there are two motions to consider. One is for Moltz and the other for Electric Power and Process. The bid for Electric Power and Process is as a sole source contract. Copp spoke with Lonnie Oversole, Water Plant Director, who explained that Electric Power has done all of the work on both the Water and Waste Water Treatment Plants. In addition a contract with Electric Power can benefit the City because Electric Power knows the system and are right in town.

Young asked about the time line. Copp replied that it will start ASAP to be completed by April 2009, before we get into problems of turbidity.

A motion was made by Yerkey to accept the bid from Moltz Construction at a cost of \$363,946.00 for Water Plant Improvements. A second was made by Moore. With a consensus THE MOTION PASSES.

A motion was made by Moore to accept the bid from Electric Power and Process, as a sole source provider, at the cost of \$74,889.00 for electric improvements at the Water Plant. Seconded by Young.

During discussion Yerkey said that \$74,000 is a lot of money to award to a sole source, but he doesn't know all of the details of the source. He knows of others who would have bid if there had been a process. Yerkey prefers a bid process.

With one dissent vote from Yerkey, THE MOTION PASSES.

11. City Administrator & Department Reports

Administrator's Report from Interim Administrator, Mike Copp

a) Nestle Water Lease Update-Copp says that the City should have an update soon and the information will go out to Council. Nestle has brought a land use proposal in front of the county. Copp doubts that anything will be done with that until the beginning of the year so that the two new County commissioners can look at it. Copp hopes that there will be something back in the next couple of weeks.

b) City County Community Services Complex – Grant Update-Mayor Rose, Mike Copp, Bob Christiansen, and Phil Maes presented to the DOLA grant committee for \$2 million. The committee liked the idea, especially the cooperation between the City and County as well as the historic preservation and that the bike path will be linked in. However, DOLA does not have that much money. Hopefully the City will get some money, but we don't know the amount yet. An adjustment to the budget down to \$500,000-600,000 instead of \$750,000 will be necessary.

c) City Administrator Search – update, The Council will review the semi-finalists on Nov 20th at 5:30 PM at the Steam Plant. There are 6 candidates at this time. Council will review the tapes that have been submitted. The goal is to get down to fewer finalists, and declare those to be public information. The finalists will be brought in on December 4th to meet the City staff and then they will meet the public for a meet and greet at 6:00 P.M. at the Steam Plant. On December 5th Council will start formal interviews at the Steam Plant.

d) Capital One Bank Statement re: Tax-Exempt Lease-Purchase Financing. Schmidt is hoping the City will close this week, but it could get delayed until the end of the month.

e) Poncha Blvd: Street Issues-includes a letter from Gary Higgins, who spoke earlier. The City is planning, based on what Chief Clark and Public Works Director Rob Vance have observed, to install stop signs at Holman Ave. and Poncha Blvd. and 7th and Poncha Ave. These steps will be combined with the Safe Routes to School Plan, which will involve seal coating and extensive stripping. Those will happen early next year.

f) RFP for Poncha Hot Springs Property –Copp passed out a draft Request For Proposal for the Ponch Hot Springs Property to Council members. Copp requested any kind of comments so that the RFP can get out at next Council meeting

12. Elected Official Reports.

- a) City Clerk- Three water samples were submitted dated 10/14/08. All tested safe as reported by the Colorado Department of Health. Martinez was out of the office attending the Colorado Municipal Clerks Association conference.
- b) City Treasurer-Greg Amidon has nothing to report
- c) Mayor-no comments
- d) City Council –glad to see Yerkey here at the table

ADJOURNMENT-

A motion was made by Moore to adjourn the meeting at 7:58 p.m. Seconded by Baker. With all in consensus, THE MOTION CARRIED.

[SEAL]

Mayor

Deputy City Clerk

Respectfully submitted by Jennifer Orr, Deputy City Clerk



**MINUTES SPECIAL MEETING
City Council Chambers
125 E. 3rd Street**

Salida, Colorado

November 20, 2008

5:50 P.M.

A special meeting of the Salida City Council was held this date in the Salida SteamPlant Theater and Event Center. The meeting was called to order by Mayor Rose at 5:50 P.M.

ROLL CALL-

Present were Mayor Chuck Rose, Council Members, Keith Baker, Jim McCormick, Hugh Young, Tom Yerkey and Jay Moore. Also present was Interim City Administrator Mike Copp.

Absent was Council Member Scott Damman.

EXECUTIVE SESSION-

Young moved to go into Executive Session for discussion of a personnel matter under C.R. S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Reviewing City Administrator applicants. Moore seconded. With all in consensus, THE MOTION PASSES.

Mayor Rose announced the time as 5:55 P.M.

Council reconvened in regular session at 7:48 P.M. Those present during the Executive Session were Mayor Chuck Rose, Council Members, Keith Baker, Jim McCormick, Hugh Young, Tom Yerkey and Jay Moore and Interim City Administrator Mike Copp.

AJOURNMENT-

A motion was made by Young to adjourn the meeting at 7:49 p.m. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

[SEAL}

Mayor

City Clerk

Respectfully submitted by Jennifer Orr, Deputy City Clerk

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**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



CAHILL PROPERTIES INC
 HIGH'S LIQUOR
 1435 E RAINBOW BLVD
 SALIDA CO 81201-3203

License Number 03-77358-0000	License Type 1941
Liability Information 31 031 445310 C 012297	
Business Location 1435 E RAINBOW BLVD SALIDA CO	
Current License Expires JAN 21, 2009	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

11/5/08 JFW

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <i>Michael W. Cahill</i>	Date 10/29/08	Business Phone 719-539-6636
Title PRESIDENT	Sales Tax Number 03-77358	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S.
THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority for	Date
Signature	Title
Attest	

DO NOT DETACH DO NOT DETACH DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name HIGH'S LIQUOR	LICENSE NUMBER (Use for all reference) 03-77358-0000		PERIOD 01-10
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999)	STATE FEE 1941-750(999)	COUNTY 85% OAP 2190-100(999)
	\$ 50.00	\$ 50.00	\$ 212.50

SUB-TOTAL \$ 312.50

ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____

TOTAL AMOUNT DUE \$ _____

IW

DR 8401 (0797)

COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1881 PIERCE
LAKEWOOD, CO 80261
(303) 205-2300

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <u>HIGH'S LIQUOR</u>		State License Number <u>03-77358-0000</u>				
1. Operating Manager <u>MICHAEL W. CAHILL</u>	Home Address <u>1422 "I" ST. SALIDA, CO 81201</u>		Date of Birth <u>-</u>			
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>RENTED</u> If rented, expiration date of lease: <u>1-1-2011</u>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
7. Sole owners or husband-wife partnerships answer this question. Since the date of filing of the last annual license application: Has ownership changed in whole or in part, from a sole owner to any other person, partnership, corporation, or limited liability company other than the licensee listed on your state liquor license? If yes, this license must be transferred to the new owner and may not be renewed. Contact your Local Authority immediately.			Yes <input type="checkbox"/> No <input type="checkbox"/>			
8. Partnership applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any general partners added to, or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately. (b) Are there, or have there been any limited partners with a 10% or more interest, added or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately.			Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>			
9. Corporate applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any officers or directors added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any stockholders with 10% or more of the issued stock, added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual corporate report with the Colorado Secretary of State: <u>10/28/08</u>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
10. Limited Liability Company applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any managing members added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any members with 10% or more membership interest, added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual LLCO report with the Colorado Secretary of State: _____			Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>			
11. Bed and Breakfast applicants must answer this question and certify compliance with 12-47-118.5 C.R.S., to the state licensing authority by initialing the following listed questions: _____ That it has no more than 20 sleeping rooms, and _____ That it provides at least 1 meal per day at no charge other than for overnight lodging, and _____ That it does not sell alcoholic beverages by the drink or in sealed containers, and _____ That it shall not serve alcoholic beverages for more than 4 hours in any one day , as follows:						
MONDAY HOURS	TUESDAY HOURS	WEDNESDAY HOURS	THURSDAY HOURS	FRIDAY HOURS	SATURDAY HOURS	SUNDAY HOURS
From: <u>9 A</u> m. To: <u>11 P</u> m.	From: <u>9 A</u> m. To: <u>11 P</u> m.	From: <u>9 A</u> m. To: <u>11 P</u> m.	From: <u>9 A</u> m. To: <u>11 P</u> m.	From: <u>9 A</u> m. To: <u>12 A</u> m.	From: <u>9 A</u> m. To: <u>12 A</u> m.	From: <u>11 A</u> m. To: <u>7 P</u> m.

lx

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Cahill Properties, Inc . dba: High's Liquor - expires January 21, 2009

License type: Liquor Store License #03-77358 Business address: 1435 E. Rainbow Blvd., Salida, CO 81201

Contact Person: Mike Cahill Phone number: 539-6636

Please return by date: Monday, December 8, 2008

City Clerk:

Do you recommend approval? Yes No

Comments: The application is complete, including all of the required fees.

Compliance Issues: There have been no violations within the last year.

See Attached: _____

Signed: Janella Martinez
Date: 11/04/08

Police Department:

Do you recommend approval? Yes _____ No _____

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Fire Department:

Do you recommend approval? Yes _____ No _____

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Please complete and return to:

City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

ly

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Cahill Properties, Inc. dba: High's Liquor - expires January 21, 2009
License type: Liquor Store License #03-77358 Business address: 1435 E. Rainbow Blvd., Salida, CO 81201
Contact Person: Mike Cahill Phone number: 539-6636

Please return by date: Monday, December 8, 2008

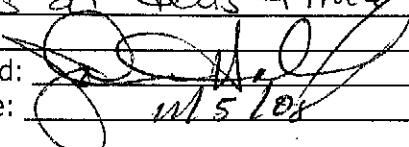
City Clerk: Do you recommend approval? Yes _____ No _____
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

Police Department: Do you recommend approval? Yes No _____
Comments: OK to Renew

Compliance Issues: No concerns at this time

See Attached: _____ Signed:  _____
Date: 11/5/08

Fire Department: Do you recommend approval? Yes _____ No _____
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Cahill Properties, Inc . dba: High's Liquor - expires January 21, 2009
License type: Liquor Store License #03-77358 Business address: 1435 E. Rainbow Blvd., Salida, CO 81201
Contact Person: Mike Cahill Phone number: 539-6636

Please return by date: Monday, December 8, 2008

City Clerk: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

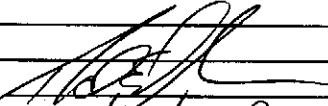
Police Department: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

Fire Department: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: No violations noted

See Attached: _____ Signed: 
Date: 11/18/2008

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment Fiesta Mexicana No. 2				State License Number 40-54314-0000			
1. Operating Manager Martin Rangel		Home Address 4831 County Rd. 222 Durango, CO 81303			Date of Birth 3		
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>owned</u> If rented, expiration date of lease: _____						Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
7. Sole owners or husband-wife partnerships answer this question. Since the date of filing of the last annual license application: Has ownership changed in whole or in part, from a sole owner to any other person, partnership, corporation, or limited liability company other than the licensee listed on your state liquor license? If yes, this license must be transferred to the new owner and may not be renewed. Contact your Local Authority immediately.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
8. Partnership applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any general partners added to, or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately. (b) Are there, or have there been any limited partners with a 10% or more interest, added or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
9. Corporate applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any officers or directors added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any stockholders with 10% or more of the issued stock, added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual corporate report with the Colorado Secretary of State: _____						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
10. Limited Liability Company applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any managing members added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any members with 10% or more membership interest, added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual LLCO report with the Colorado Secretary of State: _____						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
11. Bed and Breakfast applicants must answer this question and certify compliance with 12-47-118.5 C.R.S., to the state licensing authority by initialing the following listed questions: _____ That it has no more than 20 sleeping rooms, and _____ That it provides at least 1 meal per day at no charge other than for overnight lodging, and _____ That it does not sell alcoholic beverages by the drink or in sealed containers, and _____ That it shall not serve alcoholic beverages for more than 4 hours in any one day, as follows:							
MONDAY HOURS	TUESDAY HOURS	WEDNESDAY HOURS	THURSDAY HOURS	FRIDAY HOURS	SATURDAY HOURS	SUNDAY HOURS	
From: <u>11</u> : a.m. To: <u>10</u> : p.m.	From: <u>11</u> : a.m. To: <u>10</u> : p.m.	From: <u>11</u> : a.m. To: <u>10</u> : p.m.	From: <u>11</u> : a.m. To: <u>10</u> : p.m.	From: <u>11</u> : a.m. To: <u>11</u> : p.m.	From: <u>11</u> : a.m. To: <u>11</u> : p.m.	From: <u>11</u> : a.m. To: <u>10</u> : p.m.	

1c

10-24
10-20



Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Martin A. Rangel dba: FIESTA MEXICANA TWO - expires January 17, 2009
License type: H & R License #40-54314 Business address: 1220 East HWY 50, Salida, CO 81201
Contact Person: Patricia Rangel Phone number: 970-375-2424

Please return by date: Monday, November 27, 2008

City Clerk: Do you recommend approval? Yes _____ No _____
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

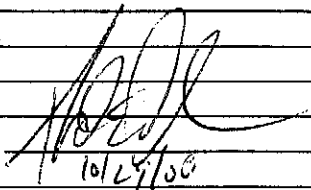
Police Department: Do you recommend approval? Yes _____ No _____
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

Fire Department: Do you recommend approval? Yes No _____
Comments: _____

Compliance Issues: NONE

See Attached: _____ Signed: 
Date: 10/29/08

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

1.D

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Martin A. Rangel dba: FIESTA MEXICANA TWO - expires January 17, 2009
License type: H & R License #40-54314 Business address: 1220 East HWY 50, Salida, CO 81201
Contact Person: Patricia Rangel Phone number: 970-375-2424

Please return by date: Monday, November 27, 2008

City Clerk: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

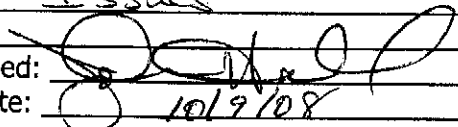
See Attached: _____

Signed: _____
Date: _____

Police Department: Do you recommend approval? Yes No
Comments: OK to Renew

Compliance Issues: NO RECENT ISSUES

See Attached: _____

Signed: 
Date: 10/9/08

Fire Department: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

1E

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Martin A. Rangel dba: FIESTA MEXICANA TWO - expires January 17, 2009
License type: H & R License #40-54314 Business address: 1220 East HWY 50, Salida, CO 81201
Contact Person: Patricia Rangel Phone number: 970-375-2424

Please return by date: Monday, November 27, 2008

City Clerk:

Do you recommend approval? Yes No

Comments:

The application is completed and all of the required fees have been paid.

Compliance Issues: none

See Attached: _____

Signed: Janelle A. Martinez
Date: 11/20/08

Police Department:

Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Fire Department:

Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Please complete and return to:
City Clerk Janelle Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

IF

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



SALIDA LODGE NO 808 B P O E INC
 PO BOX 967
 SALIDA CO 81201-0967

License Number 10-73458-0000	License Type 1990
Liability Information 31 031 813410 C 121391	
Business Location 148 E 2ND ST SALIDA CO	
Current License Expires DEC 12, 2008	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <i>John E. Shaw</i>	Date 10/28/08	Business Phone 719-539-6976
Title Secretary	Sales Tax Number 05-02443	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S.
THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority for	Date
Signature	Title
Attest	

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name SALIDA LODGE NO 808	LICENSE NUMBER (Use for all reference) 10-73458-0000		PERIOD 12-09
TYPE OF LICENSE ISSUED CLUB LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 1990-750(999) \$ 25.00	CITY 85% OAP 2180-100(999) \$ 233.75

SUB-TOTAL \$ 308.75
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____
 TOTAL AMOUNT DUE \$ _____

IG

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <u>Salida Elks Lodge #808</u>				State License Number <u>10-73458-0000</u>		
1. Operating Manager <u>Jerry Wassel</u>		Home Address <u>27 Rex Circle, Salida, CO. 81201</u>		Date of Birth _____		
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: _____ If rented, expiration date of lease: _____				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
7. Sole owners or husband-wife partnerships answer this question. Since the date of filing of the last annual license application: Has ownership changed in whole or in part, from a sole owner to any other person, partnership, corporation, or limited liability company other than the licensee listed on your state liquor license? If yes, this license must be transferred to the new owner and may not be renewed. Contact your Local Authority immediately.				Yes <input type="checkbox"/>	No <input type="checkbox"/>	
8. Partnership applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any general partners added to, or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately. (b) Are there, or have there been any limited partners with a 10% or more interest, added or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately.				Yes <input type="checkbox"/>	No <input type="checkbox"/>	
9. Corporate applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any officers or directors added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any stockholders with 10% or more of the issued stock, added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual corporate report with the Colorado Secretary of State: _____				Yes <input type="checkbox"/>	No <input type="checkbox"/>	
10. Limited Liability Company applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any managing members added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any members with 10% or more membership interest, added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual LLCO report with the Colorado Secretary of State: _____				Yes <input type="checkbox"/>	No <input type="checkbox"/>	
11. Bed and Breakfast applicants must answer this question and certify compliance with 12-47-118.5 C.R.S., to the state licensing authority by initialing the following listed questions: _____ That it has no more than 20 sleeping rooms, and _____ That it provides at least 1 meal per day at no charge other than for overnight lodging, and _____ That it does not sell alcoholic beverages by the drink or in sealed containers, and _____ That it shall not serve alcoholic beverages for more than 4 hours in any one day , as follows:						
MONDAY HOURS From: 3:00 p.m. To: 2:00 a.m.	TUESDAY HOURS From: 3:00 p.m. To: 2:00 a.m.	WEDNESDAY HOURS From: 3:00 p.m. To: 2:00 a.m.	THURSDAY HOURS From: 3:00 p.m. To: 2:00 a.m.	FRIDAY HOURS From: 3:00 p.m. To: 2:00 a.m.	SATURDAY HOURS From: 12:00 p.m. To: 2:00 a.m.	SUNDAY HOURS From: 12:00 p.m. To: 2:00 a.m.

14

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Salida Lodge No 808 BPOE, Inc. dba: Salida Elks Lodge - expires Dec 12, 2008
License type: Club License #10-73458 Business address: 148 East 2nd Street, Salida, CO 81201
Contact Person: Jack Shaw Phone number: 539-6976

Please return by date: Monday, November 10, 2008

City Clerk: Do you recommend approval? Yes No

Comments: The application is complete, including all of the required fees.

Compliance Issues: There have been no violations within the last year.

See Attached: _____

Signed: Janella A. Martinez
Date: 11/4/08

Police Department: Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Fire Department: Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Salida Lodge No 808 BPOE, Inc. dba: Salida Elks Lodge - expires Dec. 12, 2008
License type: Club License #10-73458 Business address: 148 East 2nd Street, Salida, CO 81201
Contact Person: Jack Shaw Phone number: 539-6976

Please return by date: Monday, November 10, 2008

City Clerk: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Police Department: Do you recommend approval? Yes No
Comments: OK to Renew

Compliance Issues: NO CONCERNS AT THIS TIME

See Attached: _____

Signed: [Signature]
Date: 11/5/08

Fire Department: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Salida Lodge No 808 BPOE, Inc. dba: Salida Elks Lodge - expires Dec. 12, 2008
License type: Club License #10-73458 Business address: 148 East 2nd Street, Salida, CO 81201
Contact Person: Jack Shaw Phone number: 539-6976

Please return by date: Monday, November 10, 2008

City Clerk:

Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Police Department:

Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

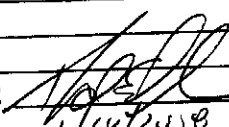
Fire Department:

Do you recommend approval? Yes No

Comments: _____

Compliance Issues: Violations Resolved

See Attached: _____

Signed: 
Date: 11/18/2008

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

1K

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

ARLIE DALE'S JUG LIQUORS
 JERRY HISOM
 PO BOX 39
 HOWARD CO 81233

License Number 41-54127-0000	License Type 1940
Liability Information 31 031 445310 C 123003	
Business Location 220 F STREET SALIDA CO	
Current License Expires DEC 29, 2008	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

11/24/08 *JHM*

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <i>[Signature]</i>	Date 11-14-08	Business Phone (719) 539-0111
Title Corporate Secretary	Sales Tax Number 41-54127-0000	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S.
THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority for	Date
Signature	Title
Attest	

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name ARLIE DALE'S JUG	LICENSE NUMBER (Use for all reference) 41-54127-0000	PERIOD 12-09
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999)	STATE FEE 1940-750(999)
	\$ 50.00	\$ 50.00
		CITY 85% OAP 2180-100(999) \$ 127.50

SUB-TOTAL \$ 227.50
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____
 TOTAL AMOUNT DUE \$ _____

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ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <i>Archie Dale's Jug Liquors</i>			State License Number <i>41-54177-0000</i>			
1. Operating Manager <i>Chad Hixon</i>		Home Address <i>200 N F Street, Salida, CO 81201</i>			Date of Birth	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <i>OWNED</i> If rented, expiration date of lease: <i>NA</i>						Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.						Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.						Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.						Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.						Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Sole owners or husband-wife partnerships answer this question. Since the date of filing of the last annual license application: Has ownership changed in whole or in part, from a sole owner to any other person, partnership, corporation, or limited liability company other than the licensee listed on your state liquor license? If yes, this license must be transferred to the new owner and may not be renewed. Contact your Local Authority immediately.						Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Partnership applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any general partners added to, or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately. (b) Are there, or have there been any limited partners with a 10% or more interest, added or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately.						Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Corporate applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any officers or directors added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any stockholders with 10% or more of the issued stock, added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual corporate report with the Colorado Secretary of State: <i>11-14-08</i>						Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
10. Limited Liability Company applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any managing members added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any members with 10% or more membership interest, added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual LLCO report with the Colorado Secretary of State: _____						Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
11. Bed and Breakfast applicants must answer this question and certify compliance with 12-47-118.5 C.R.S., to the state licensing authority by initialing the following listed questions: _____ That it has no more than 20 sleeping rooms, and _____ That it provides at least 1 meal per day at no charge other than for overnight lodging, and _____ That it does not sell alcoholic beverages by the drink or in sealed containers, and _____ That it shall not serve alcoholic beverages for more than 4 hours in any one day , as follows:						
MONDAY HOURS	TUESDAY HOURS	WEDNESDAY HOURS	THURSDAY HOURS	FRIDAY HOURS	SATURDAY HOURS	SUNDAY HOURS
From: <i>9 a.m.</i> To: <i>10 p.m.</i>	From: <i>9 a.m.</i> To: <i>10 p.m.</i>	From: <i>9 a.m.</i> To: <i>10 p.m.</i>	From: <i>9 a.m.</i> To: <i>11 p.m.</i>	From: <i>9 a.m.</i> To: <i>11 p.m.</i>	From: <i>9 a.m.</i> To: <i>11 p.m.</i>	From: <i>9 a.m.</i> To: <i>7 p.m.</i>

M

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Hixon Inc. dba: Arlie Dale's Jug Liquors - expires December 29, 2009
License type: Liquor Store License #41-54127 Business address: 220 North F St., Salida, CO 81201
Contact Person: Chad Hixon Phone number: 539-0111

Please return by date: **Monday, December 01, 2008**

City Clerk: Do you recommend approval? Yes No

Comments: The application is complete, including all of the required fees.

Compliance Issues: There have been no violations within the last year.

See Attached: _____

Signed: Janella J. Martinez
Date: 11/24/08

Police Department: Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Fire Department: Do you recommend approval? Yes No

Comments: _____

Compliance Issues: _____

See Attached: _____

Signed: _____
Date: _____

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

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Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Hixon Inc. dba: Arlie Dale's Jug Liquors - expires December 29, 2009
License type: Liquor Store License #41-54127 Business address: 220 North F St., Salida, CO 81201
Contact Person: Chad Hixon Phone number: 539-0111

Please return by date: Monday, December 01, 2008

City Clerk:

Do you recommend approval? Yes No

Comments:

Compliance Issues:

See Attached:

Signed:

Date:

Police Department:

Do you recommend approval? Yes No

Comments:

Compliance Issues:

See Attached:

Signed:

Date:

Fire Department:

Do you recommend approval? Yes No

Comments:

Compliance Issues:

See Attached:

Signed:

Date:

Please complete and return to:

City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com

Liquor License Renewal Check List for City of Salida Departments

Liquor Licensee: Hixon Inc. dba: Arlie Dale's Jug Liquors - expires December 29, 2009
License type: Liquor Store License #41-54127 Business address: 220 North F St., Salida, CO 81201
Contact Person: Chad Hixon Phone number: 539-0111

Please return by date: Monday, December 01, 2008

City Clerk: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

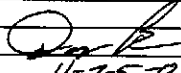
Police Department: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: _____
Date: _____

Fire Department: Do you recommend approval? Yes No
Comments: _____

Compliance Issues: _____

See Attached: _____ Signed: 
Date: 11-25-08

Please complete and return to:
City Clerk Janella Martinez
124 E Street
Salida, CO 81201
719-539-2311
jmartinez@cityofsalida.com



CITY COUNCIL AGENDA ITEM

MEETING DATE: December 17, 2008

AGENDA ITEM TITLE: Sales Tax Increase

PRESENTED BY: Mike Copp

AGENDA SECTION: Ordinances

REQUEST:

The request is to approve on first reading a revision to Section 4 of the Salida Municipal Code to increase the city's sales tax from 2% to 3%.

BACKGROUND REVIEW:

Residents of Salida voted in favor of ballot initiative 2A to increase the city sales tax and repeal the property tax. The Municipal Code now must be updated to reflect the new tax. This ordinance proposes new and revised language to reflect the approved changes.

RECOMMENDATION:

Staff recommends that council approve the proposed changes to the Municipal Code in order to follow through with the voter approved tax.

ACTION:

A Council person should make a motion "to approve Ordinance 2008-34, an ordinance of the City Council of the City of Salida, Colorado, amending Chapter 4, Article III of the Salida Municipal Code to provide for an increase in sales tax by one percent (1%) to be used for the purpose of funding construction, operation, maintenance, and repair of roads and other public infrastructure of the city and repealing the city's property tax , and ordering the ordinance to be published by title only.

Followed by a second and then a roll call vote.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 34
SERIES OF 2008

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, AMENDING CHAPTER 4, ARTICLE III OF THE SALIDA MUNICIPAL CODE TO PROVIDE FOR AN INCREASE IN SALES TAX BY ONE PERCENT (1.0%) TO BE USED FOR THE PURPOSE OF FUNDING CONSTRUCTION, OPERATION, MAINTENANCE, AND REPAIR OF ROADS AND OTHER PUBLIC INFRASTRUCTURE OF THE CITY AND REPEALING THE CITY'S PROPERTY TAX.

WHEREAS, the City of Salida currently assesses a retail sales tax of two percent (2.0%), with thirty-five percent (35.0%) of the proceeds allocated to the Sales Tax Capital Improvement Fund, one percent (1.0%) to the Economic Development Fund, up to eight percent (8.0%) to the Contingency Fund in any calendar year in when such fund is less than fifteen percent (15.0%) of the City's general fund operating budget, and the remainder to the City's general fund; and

WHEREAS, these taxes are contained and codified within Chapter 4, Article III of the Salida Municipal Code (the "SMC"), wherein they are referred to as "Sales and Use Tax"; and

WHEREAS, with the growing population and expectations of Salida residents, the Salida City Council deems the 2.0% retail sales tax insufficient to provide for the needs of the City relating to construction, operation, maintenance, and repair of roads and other public infrastructure in the City; and

WHEREAS, by Resolution No. 60, Series of 2008, the Salida City Council approved submittal to the registered voters of the City of Salida, Colorado a ballot question regarding the increase of the City's retail sales tax by an addition one percent (1.0%) for the purpose of funding construction, operation, maintenance, and repair of roads and other public infrastructure of the City (the "Sales Tax Ballot Question"); and

WHEREAS, to offset the costs of the sales tax increase to Salida residents and avoid competition with Salida School District R-32-J tax funding, the Sales Tax Ballot Question approved by Resolution No. 60, Series of 2008 also included as an attendant measure the repeal of the City's property tax; and

WHEREAS, a majority of the registered voters in the City of Salida approved the Sales Tax Ballot Question at the November 4, 2008 general election, and the Salida City Council finds and determines that Chapter 4, Article III of the SMC, "Sales and Use Tax," shall be amended to implement the Sales Tax Ballot Question accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. The purpose of this Ordinance is to impose an additional one percent (1.0%) tax on retail sales and on certain services by amending the present retail sales tax provisions, and to provide for the use of the proceeds thereof for funding construction, operation, maintenance, and repair of roads and other public infrastructure of the City. As an attendant measure, the City's property tax is hereby repealed in its entirety.

Section 3. Section 4-3-20(a) of the SMC relating to the amount of sales tax imposed on the transactions set forth therein is hereby amended to read as follows.

Section 4-3-20. Amount of tax, limitations.

(a) The tax imposed by this Article shall be equal to three percent (3.0%) of the gross receipts. The imposition of tax on individual sales shall be in accordance with the schedule set forth in the rules and regulations promulgated by the Department of Revenue.

Section 4. The first sentence of Section 4-3-40(d) of the SMC relating to exemptions from retail sales tax is hereby amended to reference the new three percent (3.0%) sales tax as follows.

Section 4-3-40. Exemptions from tax.

* * *

(d) For transactions consummated on or after July 1, 1990, the City's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule municipality equal to or in excess of three percent (3.0%).

Section 5. Section 4-3-50 of the SMC is amended by the addition of the following subsection (b), and the existing subsection (b) shall be relettered as subsection (c) accordingly.

Section 4-3-50. Disposition of revenue.

* * *

(b) The proceeds of the one percent (1.0%) increase in sales tax imposed by Ordinance No. 34, Series of 2008 shall be used for funding construction, operation,

maintenance, and repair of roads and other public infrastructure of the City.

Section 6. As provided in the Sales Tax Ballot Question, the one percent (1.0%) sales tax increase shall apply to all retail sales and certain services pursuant to C.R.S. §39-26-104, subject to the exemptions contained in the SMC, which occur on or after on or after January 1, 2009, as provided by C.R.S. §29-2-106(2). Also as of January 1, 2009, the City's property tax is repealed and shall no longer be collected.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 17th day of November, 2008 and set for second reading and public hearing on the 1st day of December, 2008.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 1st day of December, 2008.

CITY OF SALIDA, COLORADO

Charles Rose, Mayor

ATTEST:

Janella Martinez, City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 20th day of November, 2008, and BY TITLE ONLY, after final adoption on the 2nd day of December, 2008.

Janella Martinez, City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: December 1, 2008

AGENDA ITEM TITLE: Occupation Tax

PRESENTED BY: Mike Copp

AGENDA SECTION: Ordinances

REQUEST:

The request is to approve on first reading a new article VI of Chapter 4 of the Salida Municipal Code regarding the City's occupational lodging tax.

BACKGROUND REVIEW:

Residents of Salida voted in favor of ballot initiative 2B to impose an occupational tax of \$4.82 per night per occupied room for short-term (less than 30 days) commercial lodging in Salida. The proceeds for this tax will fund parks and recreation and arts facilities in the City.

Although Council is authorized to impose a tax of up to \$4.82 per night per occupied room, the Salida City Council finds that the best interests of the community will be served by adopting a fee in a lesser amount at this time.

RECOMMENDATION:

Staff recommends that council adopt the new article to the Municipal Code in order to follow through with the voter approved tax.

ACTION:

A Council person should make a motion "to approve Ordinance 2008-35, an ordinance of the City Council of the City of Salida, Colorado, adopting a new Article VI of Chapter 4 of the Salida Municipal Code regarding the City's Occupational Lodging Tax, and ordering the ordinance to be published in full.

Followed by a second and then a roll call vote.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 35
SERIES OF 2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
ADOPTING A NEW ARTICLE VI OF CHAPTER 4 OF THE SALIDA MUNICIPAL
CODE REGARDING THE CITY'S OCCUPATIONAL LODGING TAX.

WHEREAS, by Resolution No. 63, Series of 2008, the Salida City Council approved submittal to the registered voters of the City of Salida, Colorado of a ballot question regarding imposition of an occupational lodging tax of \$4.82 per night per occupied room on the price paid for short term commercial lodging in the City of Salida for the purpose of funding parks and recreation and arts facilities in the City (the "Occupational Lodging Tax Ballot Question"); and

WHEREAS, the City is authorized to impose an occupational lodging tax pursuant to C.R.S. §31-15-501(1)(c), which allows a municipality to tax "any lawful occupation, business place, amusement, or place of amusements...;" and

WHEREAS, on November 4, 2008, a majority of the qualified electors of the City of Salida voted in favor of the Occupational Lodging Tax Ballot Question; and

WHEREAS, Resolution No. 63, Series of 2008 further authorized the City Council to proceed with necessary actions to impose an occupational lodging tax in accordance with the Occupational Lodging Tax Ballot Question, including approval of an implementing ordinance; and

WHEREAS, in accordance with this mandate, the City Council finds and determines that Chapter 4 of the Salida Municipal Code ("SMC"), "Revenue and Finance," should be amended by the addition of a new Article VI, "Occupational Lodging Tax," to implement the Occupational Lodging Tax Ballot Question; and

WHEREAS, although Resolution No. 63 authorized the City to impose a tax of up to \$4.82 per night per occupied room on the price paid for short term commercial lodging in the City, the Salida City Council finds that the best interests of the community will be served by adopting a fee of \$2.50 per night per occupied room at this time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. Chapter 4 of the SMC, "Revenue and Finance," is hereby amended by the addition of a new Article VI, "Occupational Lodging Tax," to read as follows.

ARTICLE VI

Occupational Lodging Tax

Sec. 4-6-10. Tax levied.

Commencing January 1, 2009, there is hereby levied a tax on the leasing or renting of rooms or other accommodations within the City of Salida for less than thirty (30) consecutive days at the rate of \$2.50 per night per occupied room. The person to whom the accommodations are rented shall pay the tax, and the lodging services vendor from whom the accommodations are rented shall be required to collect the tax. All sums of money paid to any lodging services vendor for lodging taxes shall be and remain public money and the property of the City held in trust for the sole use and benefit of the City.

Sec. 4-6-20. Tax revenues pledged for certain purposes.

The proceeds of the occupational lodging tax described in Section 4-6-10, together with investment earnings thereon, shall be used primarily for capital improvements and operations expenses for parks and recreation and arts facilities in the City, including, without limitation, the Aquatic Center and the SteamPlant Theater.

Sec. 4-6-30. Collection, administration, and enforcement.

The tax levied by this Article shall begin to accrue on January 1, 2009. The collection, administration, and enforcement of this occupational lodging tax shall be performed by the City Finance Manager, who is hereby authorized to prescribe forms and administrative procedures for the ascertainment, assessment, and collection of the occupational lodging tax not inconsistent with this Article, and for the enforcement of this Article.

Sec. 4-6-40. Violation; penalty.

Failure to comply with the terms of this Article by payment of taxes, remitting the occupational lodging tax to the City, and otherwise complying with the terms of this Article shall constitute an offense in violation thereof subject to the violation provisions set forth at Chapter 1, Article IV of this Code. Further, if the lodging services vendor fails to pay this tax when due, the amount due shall be deemed a debt of the City and subject to collection with interest at ten percent (10.0%) per annum on the unpaid balance due of the tax. Such remedies shall be cumulative with all other remedies provided herein for the enforcement of this Article. The City shall have the right to collect from any person who fails to comply with the terms of this Article all legal, court, and other costs and expenses necessary to or incidental to the collection of said tax, including reasonable attorneys' fees, filing fees and other costs, and recording fees.

Section 3. The City Council hereby affirms its authority to increase the rate of the occupational lodging tax imposed pursuant to Chapter 4, Article VI of the SMC from \$2.50 to an amount up to and including \$4.82 per night per occupied room, as authorized by approval of the Occupational Lodging Tax Ballot Question at the November 4, 2008 general election.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 17th day of November, 2008 and set for second reading and public hearing on the 1st day of December, 2008.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY OR IN FULL, by the City Council on the 1st day of December, 2008.

CITY OF SALIDA, COLORADO

Charles Rose, Mayor

ATTEST:

Janella Martinez, City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 20th day of November, 2008, and BY TITLE ONLY OR IN FULL, after final adoption on the 2nd day of December, 2008.

Janella Martinez, City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: December 1, 2008

AGENDA ITEM TITLE: Affordable Housing Ordinance – An ordinance of the City Council of the City of Salida, Colorado, amending Sections 16-1-80, Table 16-E and 16-16-50 of the Salida Municipal Code regarding Affordable Housing

PRESENTED BY: Dara MacDonald, Community Development Director

AGENDA SECTION: Affordable Housing Ordinance

REQUEST:

The proposed ordinance would adopt changes to the Land Use Code to facilitate the creation of affordable housing in Salida.

PROJECT DESCRIPTION:

At the meeting on September 2, 2008 the Council passed the ordinance on first reading after removing the proposed changes regarding ‘modular’ and ‘manufactured’ housing. Staff had asked the city attorney for assistance in researching the legality of definitions of these types of units as well as the ability to limit their placement in the municipality. Their investigation was ongoing and Council continued the public hearing on September 15 to allow staff to gather all of the information necessary for this review. The ordinance was presented again on November 17th when it was continued to allow all of Council to participate in the discussion.

The City of Salida Strategic Housing Plan was adopted by the City Council May 5, 2008. The Plan includes a number of recommendations of ways the City could support cost effective housing for working people in our community.

Measure Ten of the plan specifically directs the city to look at ways the land use code could be amended to encourage the development of affordable housing. Some of the items included in Measure Ten are simpler to consider than others. In an effort to maintain momentum in support of affordable housing staff has recommended that the city considers acting on the easy items first and prioritizing the remaining items for consideration.

During the Planning Commission work session on July 8, 2008 the commission directed staff to address item ‘c’ – in part, and items ‘f’ and ‘g’. The Planning Commission considered the proposed changes during their meeting on August 25th and recommended that the City Council adopt the changes to the land use code.

The memo prepared by staff for the Planning Commission for the August 25th meeting is attached. This memo includes background discussion on each of the proposed code changes.

The proposed changes are as follows:

1. Adding an additional review standard to Section 16-16-50 of the land use code as follows:
 - (6) Housing for the Community. To provide housing for a diversity of moderate income residents a minimum percentage of all new residential housing in the annexation area shall be constructed to standard definitions of affordable housing or suitable alternative provided. Ten percent (10%) of the new residential units shall be constructed to affordable standards targeting households at or below 80% AMI as defined annually by HUD and be made available for sale or rent. Effective January 1, 2009 that required percentage shall increase by one percent (1%). The increase shall continue annually until fifteen percent (15%) of all new residences in all annexation areas are constructed to standard definitions of affordable housing. Alternatives to providing the required percentage of housing in the annexation area may include providing the required housing off-site, paying a negotiated fee in lieu of providing units, providing more units at 80% - 120% of AMI, or fewer units targeting households below 80% of AMI, for example. Units designated as affordable in the project should be comparable to the market rate housing units in exterior finish and should blend into the overall project.
2. Amending Table 16-E to allow smaller lot sizes for attached housing as shown in the staff report.
3. Striking the definition of modular housing from Section 16-1-80, Definitions, such that modular homes would not be defined separately in the code and would be permitted in all zone districts. We would still restrict mobile and manufactured homes to the R-4 zone district. These are both constructed to the HUD standard. So long as homes meet International Residential Code construction requirements, they will be permitted in all zones. This could include stick-built, modular, panel, kit or other types of construction.

REVIEW STANDARDS FOR TEXT AMENDMENTS (Section 16-13-50) – An application for an amendment to the text of the Land Use Code shall comply with the following standards:

- (1) Consistency with Purposes. The proposed amendment shall be consistent with the purposes of the Land Use Code.
 - The five general purposes of the Land Use Code are to establish development standards, protect quality of life, establish review process, provide for orderly development of the City and conserve property values. The proposed ordinance creates a requirement that annexations including residential uses incorporate housing for moderate income residents of the community. Further, it would permit an additional ownership types where currently Condominiumization is the

only option and would allow modular homes to be installed in any residential neighborhood. This will further the purpose to provide for orderly development and help to protect quality of life for working families and seniors.

- (2) No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.
 - The proposed ordinance does not conflict with other provisions of the code and repeals or modifies some inconsistent items.
- (3) Consistency with Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of the Land Use Code.
 - The City of Salida Strategic Housing Plan was adopted by the City Council on May 5, 2008. This ordinance will implement parts of measures seven and ten from that Plan.
 - Issue #6 of the Salida Comprehensive Plan addresses housing affordability and directs the city to seek solutions to this growing problem. The proposed ordinance seeks to address the problems of rising housing costs
- (4) Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.
 - This amendment protects public health, safety, general welfare and the environment by providing reasonable requirements for the provision of affordable housing in new developments coming into the City, and by allowing home owners a broader spectrum of choices for home ownership through increasing ownership types for attached units and by allowing modular homes in all residential zone districts.

AGENCY COMMENTS

The proposed changes have been reviewed by the City Attorney. A memo from the attorneys regarding manufactured homes has been provided under separate cover.

PUBLIC COMMENTS

Don Dill of Great Western Homes, Inc presented written materials to the Council during the meeting on September 15, 2008.

RECOMMENDED MOTION:

A Council person should make a motion to approve “Ordinance 2008-33 an ordinance of the City Council of the City of Salida, Colorado, amending Sections 16-1-80, Table 16-E, and 16-16-50 of the Salida Municipal Code regarding Affordable Housing, and ordering the ordinance to be published in full.”

Followed by a second and then roll call vote.

Attachments: Ordinance 2008-33

ORDINANCE 2008 – 33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING SECTIONS 16-1-80, TABLE 16-E AND 16-16-50 OF THE SALIDA MUNICIPAL CODE REGARDING AFFORDABLE HOUSING.

WHEREAS, the Chaffee County Housing Needs Assessment prepared by Economic and Planning Systems in January, 2007 demonstrated the need for the City of Salida to address the growing affordable housing shortage; and

WHEREAS, as the City Council adopted the Salida Strategic Housing Plan on May 5, 2008 in a effort to begin addressing the growing need for affordable housing; and

WHEREAS, the City Council wishes to ensure that new residential and mixed-use annexations include affordable housing units; and

WHEREAS, attached residential units including duplexes and townhouses can provide a market driven affordable housing opportunity in the community; and

WHEREAS, the definitions in the land use code should be revised to better reflect the types of residential construction permitted in various zone district and delete inconsistent and unnecessary references; and

WHEREAS, the Planning Commission has accordingly recommended that the Council adopt the proposed changes that would require annexations to include affordable housing, allow smaller minimum lot sizes for attached residential units and allow modular homes in all zone districts; and

WHEREAS, the City Council has found that the ordinance complies with Section 16-13-50, Review Standards for Text Amendments, because it is consistent with the purposes of the land use code and the comprehensive plan, that the ordinance is consistent with other provisions of the code and preserves the public health, safety, general welfare and environment and contributes to the orderly development of the City; and

WHEREAS, the City Council of the City of Salida, Colorado, after public hearing, desires to amend Sections 16-1-80, Table 16-E and 16-16-50 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO THAT:

Section 1: Section 16-16-50 of the Code, concerning review standards for annexation, is hereby amended to add a new subsection (6):

(6) Housing for the Community. To provide housing for a diversity of moderate income residents a minimum percentage of all new residential housing in the annexation area shall be constructed to standard definitions of affordable housing or suitable alternative provided. Ten percent (10%) of the new residential units shall be constructed to affordable standards targeting households at or below 80% AMI as defined annually by HUD and be made available for sale or rent. Effective January 1, 2009 that required percentage shall increase by one percent (1%). The increase shall continue annually until fifteen percent (15%) of all new residences in all annexation areas are constructed to standard definitions of affordable housing. Alternatives to providing the required percentage of housing in the

annexation area may include providing the required housing off-site, paying a negotiated fee in lieu of providing units, providing more units at 80% - 120% of AMI, or fewer units targeting households below 80% of AMI, for example. Units designated as affordable in the project should be comparable to the market rate housing units in exterior finish and should blend into the overall project.

Section 2: Table 16-E of the Code, Schedule of Dimensional Standards, is hereby amended to include two new lines concerning the minimum lot size for affordable units and the minimum lot frontage for lots with attached units. The remaining items of the Table will remain unchanged:

TABLE 16-E Schedule of Dimensional Standards								
Dimensional Standard	R-1	R-2	R-3	R-4	RMU	C-1	C-2	I
Min. lot size (sq. ft.)	7,500	5,625	5,625	4,000	5,625	5,625	N/A	5,625
Density (Lot s.f./Min. lot area per dwelling unit)	3,750	3,125	2,400	2,400	3,125	2,800	N/A	2,800
Min. lot size (sq. ft.) attached units	N/A	3,125	2,400	2,400	3,125	2,800	N/A	2,800
Min. lot frontage	50'	37' - 6"	37' - 6"	37' - 6"	37' - 6"	37' - 6"	No Req.	37' - 6"
Min. lot frontage attached units	N/A	20'	15'	15'	20'	20'	N/A	20'

Section 3: Section 16-1-80 of the Code, Definitions, is hereby amended to remove the definition of 'modular home' as follows:

~~**Modular home** means a factory built dwelling structure designed to be transported after fabrication and located on a permanent foundation as required under the adopted building code as a permanent addition to and becoming a part of the real property. Such structure shall be considered a **manufactured home**.~~

Section 4: Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the City of Salida shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 5: Savings Clause. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 2nd day of September, 2008 and set for second reading and public hearing on the 1st day of December, 2008.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 1st day of December, 2008.

CITY OF SALIDA

Charles Rose, Mayor

ATTEST:

Janella Martinez, City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 5th day of September, 2008, and IN FULL, after final adoption on the ___ day of _____, 2008.

Janella Martinez, City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: December 1, 2008

AGENDA ITEM TITLE: Highway 50 Enhancement Grant Resolution – A resolution of the City Council of the City of Salida, Colorado, supporting the Contract Amendment #1 to the agreement between the City of Salida and the State of Colorado Department of Transportation for an enhancement grant.

PRESENTED BY: Dara MacDonald, Community Development Director

REQUEST:

The request is to amend an existing contract to expand the area for the Highway 50 enhancement project given the award of additional funding.

BACKGROUND:

In January, 2008 the City entered into a contract with CDOT for the design phase of the project. The City applied for and was awarded additional funding such that the project could extend from the intersection with CR 107/New Street to the intersection with Holman Avenue. The project includes the installation of 6' sidewalks, 4' stamped concrete parkways and decorative streetlights on both sides of Highway 50 for the length stretching between the two intersections.

The total funding for the project is \$ 977,175 over three years. Of this amount \$ 781,740 will be provided by federal funding administered by CDOT and \$ 195,435 provided by the City in matching funds. The revised contract anticipates \$ 121,000 to be spent in CDOT FY 2008 (by June 30, 2009) of which the City will provide \$ 24,200 in matching funds.

The current contract and this amendment are for CDOT FY 2008 and 2009. The total budgeted funds for this period are \$ 534,400. The local agency is responsible for budging for these funds and is responsible for paying any contractors for performing work during this period. CDOT will reimburse \$ 427,520 of these expenses leaving the City responsible for \$ 106,880 over the two CDOT fiscal years.

Although budgeted, construction funding will be available July 1, 2009 at the earliest. We are currently on schedule to begin construction next summer once funds become available and staff will strive to maintain this schedule.

The City attorney has reviewed the contract amendment.

RECOMMENDED MOTION:

A Council person should make a motion to approve “Resolution 2008-92 a resolution of the City Council of the City of Salida, Colorado, supporting the Contract Amendment #1 to the agreement between the City of Salida and the State of Colorado Department of Transportation for an enhancement grant.”

Followed by a second and then roll call vote.

Attachments: Resolution 2008-92
Award letter from Richard Reynolds dated November 12, 2008
Contract Amendment #1

RESOLUTION NO. 92
(Series 2008)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA,
COLORADO, SUPPORTING THE CONTRACT AMENDMENT #1 TO
THE AGREEMENT BETWEEN THE CITY OF SALIDA AND THE
STATE OF COLORADO DEPARTMENT OF TRANSPORTATION FOR
AN ENHANCEMENT GRANT**

WHEREAS, the City of Salida is engaged in a project to construct sidewalks, stamped concrete parkways, streetlights, curb ramps and curb and gutter on US Highway 50 between the intersection with County Road 107/New Street and the intersection with Holman Avenue for a total cost of \$ 977,175 over three years, and

WHEREAS, the City of Salida has been awarded enhancement funds from the Colorado Department of Transportation in the amount of \$ 781,740 for the project, and

WHEREAS, the current contract entered into in January 2008, for CDOT FY 2008 and 2009 must be amended to reflect the additional project funding awarded this fall, and

WHEREAS, The City has budgeted \$ 121,000 in matching funds for this project in its 2009 budget, and

WHEREAS, the enclosed contract provides for awarding of up to \$ 200,000 in design funds with the remaining Federal funds to be added after Federal authorization of the construction phase as described in Exhibit C1.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF SALIDA, COLORADO THAT IT SUPPORTS THE
CONTRACT AMENDMENT #1 TO THE AGREEMENT BETWEEN THE
CITY OF SALIDA AND THE STATE OF COLORADO DEPARTMENT
OF TRANSPORTATION FOR AN ENHANCEMENT GRANT AND
AUTHORIZES THE MAYOR TO SIGN SAID CONTRACT.**

RESOLVED, APPROVED AND ADOPTED this 1st day of December, 2008.

CITY OF SALIDA

By: _____
Charles Rose, Mayor

[SEAL]

ATTEST:

Janella Martinez, City Clerk

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
REGION TRANSPORTATION DIRECTOR
REGION 5

3803 N. Main Avenue, Suite 306
Durango, CO 81301
(970) 385-1402
Fax (970) 385-1450



November 12, 2008

Ms. Dara MacDonald
Administrator, City of Salida
P.O. Box 417
Salida, Colorado 81201

RE: Award of FY 2009 and 2010 Federal Enhancement Funds for US 50 Sidewalks and Lighting

Dear Ms. MacDonald:

We are pleased to confirm that the City of Salida's application for Enhancement funds for design and construction of sidewalks and lighting along US 50 has been selected by the San Luis Valley Regional Planning Commission and approved by the Colorado Department of Transportation (CDOT). The City has been awarded funding as follows:

Fiscal Year	Federal Funds (80%)	Local Match (20%)	Total Funds
2009	\$197,920	\$ 49,480	\$247,400
2010	\$354,220	\$ 88,555	\$442,775
Total	\$552,140	\$138,035	\$690,175

As shown, the award is for the reimbursement of funds up to the available amount of \$690,175 over fiscal years 2009 and 2010 (this is in addition to the fiscal year 2008 and 2009 funds awarded to the city for the current sidewalk project on US 50). The Town is responsible for providing a twenty percent local match toward each dollar expended up to the total awarded reimbursement amount. Any expenditure beyond the available amount will be the sole responsibility of the City.

CDOT Region 5 Off-Systems Engineer, David Valentinelli, will contact you in the near future to begin the funding contract phase of the project. Because the enhancement program is not a grant program and it is operated on a reimbursable basis, the City must commit funds in the amount of \$247,400 (\$197,920 federal and \$49,480 local match) at the time the City signs the funding contract with CDOT. A similar commitment will be required when the 2010 funds become available.

In order to keep projects active and to spend the enhancement funds in a timely manner, we request that your project be constructed within two years of the date you sign the funding contract with CDOT. We will provide you with assistance to meet this goal. **NOTE: The project must be advertised for construction bids by July 1, 2011; otherwise, the funds may be transferred to another enhancement project, in order to prevent loss of CDOT Region 5 funding.**

Ms. Dara MacDonald

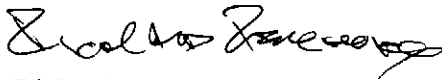
November 12, 2008

Page 2

Your project must comply with federal environmental requirements, and all environmental clearance costs and mitigation measures, such as wetland creation, must be included in your project costs. CDOT staff will assist you in determining which environmental clearances are required for your project.

Again, congratulations and we look forward to working with you on this project. Please call Laurie Blanz at (970)385-1435 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Reynolds". The signature is fluid and cursive, with some overlapping letters.

Richard Reynolds

Cc: Transportation Commissioner Aden
SLVRPC Chairman Wilkinson
M. McVaugh
K. Neet
D. Valentinelli
L. Blanz
O. Reynolds

CONTRACT AMENDMENT #1

THIS AMENDMENT, is made this ____ day of _____, 20__, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation, hereinafter referred to as the "State", and the CITY OF SALIDA, 124 "E" Street, P.O. Box 417, Salida, Colorado 81201, CDOT Vendor # 2000290, hereinafter referred to as the "Contractor" or the "Local Agency".

FACTUAL RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for this Project as set forth below; and,
2. Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and,
3. The Parties entered into the contract dated February 6, 2008, routing number 08 HA5 00019, known hereafter as "the Basic Contract"; and,
4. The Basic Contract is an intergovernmental agreement between the State and the Contractor consisting of the design and construction for a portion of the sidewalks on Main Street, Salida US 50 Sidewalks Project including curb and gutter, referred to as the "Project" or the "Work." Such Work will be performed in Salida, Colorado; and,
5. The Basic Contract is still in effect and provides for changes to its terms and conditions by written supplement or contract amendment; and,
6. The Parties also now desire to amend the Basic Contract to add the 2009 funding, show the 2010 by revising Recital 1 and Exhibit C, update the Special Provisions to the current version and replace the Funding Letter with the Option Letter by revising Section 25 and Exhibit F; and,
7. The Parties enter into this Amendment pursuant to the provisions of Colorado Revised Statutes, Sections 24-30-1401 et seq., Section 43-1-106, and Section 43-1-110, as amended.

NOW THEREFORE, it is hereby agreed that:

Consideration for this Amendment consists of the payments that shall be made pursuant to this

Amendment and the promises and agreements herein set forth.

1. This Amendment is supplemental to the Basic Contract, which is, by this reference, incorporated herein and made a part hereof, and all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment as though they were expressly rewritten, incorporated, and included herein.
2. The Basic Contract is and shall be modified, altered, and changed in the following respects only:

- a. Recital Number 1 shall be amended to read as follows:

Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, Functions 3020 and 3301, GL Acct. 4231200011, WBS Element 16181.10.30 (design) and 16181.20.10 (construction), (Contract Encumbrance: Basic Contract - \$45,000.00; Amendment #1 - \$155,000.00; Total Contract Encumbrance Amount: \$200,000.00).

- b. Exhibit C to the Basic Contract shall be removed and replaced in its entirety by Exhibit C-1, which is attached hereto and incorporated herein by this reference. All references in the Basic Contract to Exhibit C shall be removed and replaced by Exhibit C-1, as appropriate.
- c. Exhibit F (Funding Letter) shall be removed and replaced with the Sample IGA Option Letter (attached) and the corresponding language in Section 25 shall be removed and replaced in its entirety by the following:

Section 25. Option Letters

Option Letters may be used to extend Agreement term, change the level of service within the current term due to unexpected overmatch, add a phase without increasing contract dollars, or increase or decrease the amount of funding. **These options are limited to the specific scenarios listed below.** The Option Letter shall not be deemed valid until signed by the State Controller or an authorized delegate. Following are the applications for the individual options under the Option Letter form:

Option 1 - Option to extend or renew (this option applies to Highway and Signal maintenance contracts only). In the event the State desires to continue the Services and a replacement contract has not been fully approved by the termination date of this contract, the State, upon written notice to Contractor, may unilaterally extend this contract for a period of up to one (1) year. The contract shall be extended under the same terms and conditions as the original contract, including, but not limited to prices, rates and service delivery requirements. This extension shall terminate at the end of the one (1) year period or when the replacement contract is signed by the Colorado State Controller or an

authorized delegate.

The State may exercise this option by providing a fully executed option to the contractor, within thirty (30) days prior to the end of the current contract term, in a form substantially equivalent to **Exhibit F**. If the State exercises this option, the extended contract will be considered to include this option provision. The total duration of this contract, including the exercise of any options under this clause, shall not exceed five (5) years.

Option 2 – Level of service change within current term due to unexpected overmatch in an overbid situation only. In the event the State has contracted all project funding and the Local Agency's construction bid is higher than expected, this option allows for additional Local Overmatch dollars to be provided by the Local Agency to be added to the contract. This option is only applicable for Local Overmatch on an overbid situation and shall not be intended for any other Local Overmatch funding.

The State may unilaterally increase the total dollars of this contract as stipulated by the executed Option Letter (**Exhibit F**), which will bring the maximum amount payable under this contract to the amount indicated in Exhibit C-1 attached to the executed Option Letter (future changes to Exhibit C shall be labeled as C-2, C-3, etc, as applicable). Performance of the services shall continue under the same terms as established in the contract. The State will use the Financial Statement submitted by the Local Agency for "Concurrence to Advertise" as evidence of the Local Agency's intent to award and it will also provide the additional amount required to exercise this option. If the State exercises this option, the contract will be considered to include this option provision.

Option 3 – Option to add overlapping phase without increasing contract dollars. The State may require the contractor to begin a phase that may include Design, Construction, Environmental, Utilities, ROW Incidentals or Miscellaneous (this does not apply to Acquisition/Relocation or Railroads) as detailed in **Exhibit A** and at the same terms and conditions stated in the original contract with the contract dollars remaining the same. The State may exercise this option by providing a fully executed option to the contractor within thirty (30) days before the initial targeted start date of the phase, in a form substantially equivalent to **Exhibit F**. If the State exercises this option, the contract will be considered to include this option provision.

Option 4 - To update funding (increases and/or decreases) with a new Exhibit C. This option can be used to increase and/or decrease the overall contract dollars (state, federal, local match, local agency overmatch) to date, by replacing the original funding exhibit (Exhibit C) in the Original Contract with an updated Exhibit C-1 (subsequent exhibits to Exhibit C-1 shall be labeled C-2, C-3, etc).

The State may have a need to update changes to state, federal, local match and local agency overmatch funds as outlined in Exhibit C- 1, which will be attached to the option form. The State may exercise this option by providing a fully executed option to the contractor within thirty (30) days after the State has received notice of funding changes, in a form substantially equivalent to **Exhibit F**. If the State exercises this option, the contract will be considered to include this option provision.

d. The Special Provisions in the Basic Contract shall be removed and replaced with:

SPECIAL PROVISIONS

The Special Provisions apply to all contracts except where noted in *italics*.

1. **CONTROLLER'S APPROVAL.** CRS §24-30-202 (1). This contract shall not be deemed valid until it has been approved by the Colorado State Controller or designee.
2. **FUND AVAILABILITY.** CRS §24-30-202(5.5). Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.
3. **INDEMNIFICATION.** Contractor shall indemnify, save, and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees and related costs, incurred as a result of any act or omission by Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.
[Applicable Only to Intergovernmental Contracts] No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions, of the Colorado Governmental Immunity Act, CRS §24-10-101 et seq., or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq., as applicable, as now or hereafter amended.
4. **INDEPENDENT CONTRACTOR.** 4 CCR 801-2. Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither contractor nor any agent or employee of contractor shall be or shall be deemed to be an agent or employee of the state. Contractor shall pay when due all required employment taxes and income taxes and local head taxes on any monies paid by the state pursuant to this contract. Contractor acknowledges that contractor and its employees are not entitled to unemployment insurance benefits unless contractor or a third party provides such coverage and that the state does not pay for or otherwise provide such coverage. Contractor shall have no authorization, express or implied, to bind the state to any agreement, liability or understanding, except as expressly set forth herein. Contractor shall provide and keep in force workers' compensation (and provide proof of such insurance when requested by the state) and unemployment compensation insurance in the amounts required by law and shall be solely responsible for its acts and those of its employees and agents.
5. **NON-DISCRIMINATION.** Contractor agrees to comply with the letter and the spirit of all applicable State and federal laws respecting discrimination and unfair employment practices.
6. **CHOICE OF LAW.** The laws of the State of Colorado, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this contract. Any provision of this contract, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law, whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract, to the extent that this contract is capable of execution. At all times during the performance of this contract, Contractor shall strictly adhere to all applicable federal and State laws, rules, and regulations that have been or may hereafter be established.
7. **VENDOR OFFSET.** CRS §§24-30-202 (1) and 24-30-202.4. *[Not Applicable to Intergovernmental Agreements]* The State Controller may withhold payment of certain debts owed to State agencies under the State's vendor offset intercept system for: (a) unpaid child support debts or child support arrearages; (b) unpaid balances of tax, accrued interest, or other charges specified in CRS §39-21-101, et. seq.; (c) unpaid loans due to the Student Loan Division of the Department of Higher Education; (d) amounts required to be paid to the Unemployment Compensation Fund; and (e) other unpaid debts certified by the State Controller as owing to the State as a result of final agency determination or judicial action.
8. **SOFTWARE PIRACY PROHIBITION.** Governor's Executive Order D 002 00. No State or other public funds payable under this contract shall be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies that, for the term of this contract and any extensions, Contractor has in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this paragraph, the State may exercise any remedy available at law or equity or under this contract, including, without limitation, immediate termination of this contract and any remedy consistent with federal copyright laws or applicable licensing restrictions.
9. **EMPLOYEE FINANCIAL INTEREST.** CRS §24-18-201 and §24-50-507. The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this contract.
10. **PUBLIC CONTRACTS FOR SERVICES.** CRS §8-17.5-101. *[Not Applicable to agreements relating to the offer, issuance, or sale of securities, investment advisory services or fund management services, sponsored projects, intergovernmental agreements, or information technology services or products and services]* Contractor certifies, warrants, and agrees that it does not knowingly employ or contract with an illegal alien who will perform work under this contract and will confirm the employment eligibility of all employees who are newly hired for employment in the United States to perform work under this contract, through participation in the E-Verify Program or the Department program established pursuant to CRS §8-17.5-102(5)(c). Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Contractor (a) shall not use E-Verify Program or Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed, (b) shall notify the subcontractor and the contracting State agency within three days if Contractor has actual knowledge that a subcontractor is employing or contracting with an illegal alien for work under this contract, (c) shall terminate the subcontract if a subcontractor does not stop employing or contracting with the illegal alien within three days of receiving the notice, and (d) shall comply with reasonable requests made in the course of an investigation, undertaken pursuant to CRS §8-17.5-102(5), by the Colorado Department of Labor and Employment. If Contractor participates in the Department program, Contractor shall deliver

to the contracting State agency, institution of higher education or political subdivision a written, notarized affirmation, affirming that Contractor has examined the legal work status of such employee, and comply with all of the other requirements of the Department program. If Contractor fails to comply with any requirement of this provision or CRS §8-17.5-101 et seq., the contracting State agency, institution of higher education or political subdivision may terminate this contract for breach and, if so terminated, Contractor shall be liable for damages.

11. PUBLIC CONTRACTS WITH NATURAL PERSONS. CRS §24-76.5-101. Contractor, if a natural person eighteen (18) years of age or older, hereby swears and affirms under penalty of perjury that he or she (a) is a citizen or otherwise lawfully present in the United States pursuant to federal law, (b) shall comply with the provisions of CRS §24-76.5-101 et seq., and (c) has produced one form of identification required by CRS §24-76.5-103 prior to the effective date of this contract.

Revised May 13, 2008

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR:

**STATE OF COLORADO:
BILL RITTER, JR., GOVERNOR**

City of Salida
Legal Name of Contracting Entity

For Executive Director
Department of Transportation

2000290
CDOT Vendor Number

**LEGAL REVIEW:
JOHN W. SUTHERS, ATTORNEY GENERAL**

Signature of Authorized Officer

By _____

Print Name & Title of Authorized Officer

CORPORATIONS:
(A corporate attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk)

(Place Corporate Seal here, if available.)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

**STATE CONTROLLER:
DAVID J. MCDERMOTT, CPA**

By _____

Date _____

EXHIBIT C-1 FUNDING PROVISIONS

A. The Local Agency has estimated the total cost the Work to be \$534,400.00 which is to be funded as follows:

Current and Anticipated Total Project Funding

	FY 08 Funds	FY 09 Funds	FY2010 Funds	Totals
Federal Funds	\$ 96,800	\$330,720	\$354,220	\$781,740
Local Matching Funds	\$ 24,200	\$ 82,680	\$ 88,555	\$195,435
Local Overmatch	\$ 0	\$ 0	\$ 0	\$ 0
Totals	\$121,000	\$413,400	\$442,775	\$977,175

1 BUDGETED FUNDS	
a. Federal Funds	
i. FY 08 (80% of Participating Costs)	\$96,800.00
ii. FY 09 (80% of Participating Costs)	<u>\$330,720.00</u>
Total Federal Funds	\$427,520.00
b. Local Agency Matching Funds	
i. FY 08 (20% of Participating Costs)	\$24,200.00
ii. FY 09 (20% of Participating Costs)	<u>\$82,680.00</u>
Total Local Matching Funds	\$106,880.00
Local Agency Matching for CDOT -	
c. Incurred Non-Participating Costs	\$0.00
(Including Non-Participating Indirects)	
TOTAL BUDGETED FUNDS	\$534,400.00
2 ESTIMATED CDOT-INCURRED COSTS	
a. Federal Share	\$0.00
(0% of Participating Costs)	
b. Local Share	
Local Agency Share of Participating Costs	\$0.00
Non-Participating Costs (Including Non-Participating Indirects)	\$0.00
Estimated to be Billed to Local Agency	\$0.00
TOTAL ESTIMATED CDOT-INCURRED COSTS	\$0.00
3 ESTIMATED PAYMENT TO LOCAL AGENCY	
a. Federal Funds Budgeted (1a)	\$427,520.00
b. Less Estimated Federal Share of CDOT-Incurred Costs (2a)	\$0.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY	\$427,520.00
4 FOR CDOT ENCUMBRANCE PURPOSES	
Total Encumbrance Amount (\$294,200.00 divided by 80%)	\$534,400.00

Less ROW Acquisition 3111 and/or ROW Relocation 3109				\$0.00
Net to be encumbered as follows:				\$534,400.00
NOTE: The construction of \$334,400.00 will not be encumbered and available until after Federal authorization.				
WBS Element 16181.10.30	Design	3020	\$200,000.00	
WBS Element 16181.20.10	Const	3301	\$0.00	

B. The matching ratio for the federal participating funds for this project is 80% federal-aid funds (CFDA #20 2050) to 20% Local Agency funds, it being understood that such ratio applies only to the \$534,400.00 that is eligible for federal participation, it being further understood that all non-participating costs are borne by the Local Agency at 100%. If the total participating cost of performance of the Work exceeds \$534,400.00, and additional federal funds are made available for the project, the Local Agency shall pay 20% of all such costs eligible for federal participation and 100% of all non-participating costs; if additional federal funds are not made available, the local agency shall pay all such excess costs. If the total participating cost of performance of the Work is less than \$534,400.00, then the amounts of Local Agency and federal-aid funds will be decreased in accordance with the funding ratio described herein. The performance of the Work shall be at no cost to the State.

C. **The maximum amount payable to the Local Agency under this contract shall be \$427,520.00** (For CDOT accounting purposes, the federal funds of \$427,520.00 and local matching funds of \$106,880.00 will be encumbered for a total encumbrance of \$534,400.00), unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred. **NOTE: The construction of \$334,400.00 will not be encumbered and available until after Federal authorization.** It is understood and agreed by the parties hereto that the total cost of the Work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

D. The parties hereto agree that this contract is contingent upon all funds designated for the project herein being made available from federal and/or state and/or Local Agency sources, as applicable. Should these sources, either federal or Local Agency, fail to provide necessary funds as agreed upon herein, the contract may be terminated by either party, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.

SAMPLE IGA OPTION LETTER

(This option has been created by the Office of the State Controller for CDOT use only)

NOTE: This option is limited to the specific contract scenarios listed below

AND cannot be used in place of exercising a formal amendment.

Exhibit F

Date:	State Fiscal Year:	Option Letter No.	CLIN Routing #
-------	--------------------	-------------------	----------------

Vendor name: _____

A. SUBJECT: (Choose applicable options listed below AND in section B and delete the rest)

1. Option to renew (for an additional term) applies to Highway and Signal maintenance contracts ONLY; this renewal cannot be used to make any change to the original scope of work;
2. Level of service change within current term due to an unexpected Local overmatch on an overbid situation ONLY;
3. Option to add phasing to include Design, Construction, Environmental, Utilities, ROW incidentals or Miscellaneous ONLY (does not apply to Acquisition/Relocation or Railroads);
4. Option to update funding (a new Exhibit C must be attached with the option letter and shall be labeled C-1 (future changes for this option shall be labeled as follows: C-2, C-3, C-4, etc.)

B. REQUIRED PROVISIONS. All Option Letters shall contain the appropriate provisions set forth below:

(Insert the following language for use with Options #1):

In accordance with Paragraph(s) _____ of contract routing number (insert FY, Agency code, & CLIN routing #), between the State of Colorado, Department of Transportation, and (insert contractor's name) the state hereby exercises the option for an additional term of (insert performance period here) at a cost/price specified in Paragraph/Section/Provision _____ of the original contract, AND/OR an increase in the amount of goods/services at the same rate(s) as specified in Paragraph _____ of the original contract.

(Insert the following language for use with Option #2):

In accordance with the terms of the original contract (insert FY, Agency code & CLIN routing #) between the State of Colorado, Department of Transportation and (insert contractor's name here), the State hereby exercises the option to record a level of service change due to unexpected overmatch dollars due to an overbid situation. The contract is now increased by (indicate additional dollars here) specified in Paragraph/Section/Provision _____ of the original contract.

(Insert the following language for use with Option #3):

In accordance with the terms of the original contract (insert FY, Agency code & CLIN routing #) between the State of Colorado, Department of Transportation and (insert contractor's name here), the State hereby exercises the option to add an overlapping phase in (indicate Fiscal Year here) that will include (describe which phase will be added and include all that apply – Design, Construction, Environmental, Utilities, ROW incidentals or Miscellaneous). Total funds for this contract remain the same (indicate total dollars here) as referenced in Paragraph/Section/Provision/Exhibit _____ of the original contract.

(Insert the following language for use with Option #4):

In accordance with the terms of the original contract (insert FY, Agency code & CLIN routing #) between the State of Colorado, Department of Transportation and (insert contractor's name here), the State hereby exercises the option to update funding based on changes from state, federal, local match and/or local agency overmatch funds. The contract is now (select one: increased and/or decreased) by (insert dollars here) specified in Paragraph/-Section/-Provision/Exhibit _____ of the original contract. A new Exhibit C-1 is made part

of the original contract and replaces Exhibit C. (The following is a NOTE only so please delete when using this option: future changes for this option for Exhibit C shall be labeled as follows: C-2, C-3, C-4, etc.)

(The following language must be included on all options):

The amount of the current Fiscal Year contract value is (*increased/decreased*) by (\$ *amount of change*) to a new contract value of (\$ _____) to satisfy services/goods ordered under the contract for the current fiscal year (*indicate Fiscal Year*). The first sentence in Paragraph/Section/Provision _____ is hereby modified accordingly.

The total contract value to include all previous amendments, option letters, etc. is (\$ _____).

The effective date of this Option Letter is upon approval of the State Controller or delegate, whichever is later.

APPROVALS:

For the Contractor:

Legal Name of Contractor

By: _____
Print Name of Authorized Individual

Signature: _____
Date: _____

Title: Official Title of Authorized Individual

State of Colorado:

Bill Ritter, Jr., Governor

By: _____ Date: _____
Executive Director, Colorado Department of Transportation

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

**State Controller
David J. McDermott, CPA**

By: _____

Date: _____

Issuance date: July 1, 2008
Updated: June 12, 2008



CITY COUNCIL AGENDA ITEM

MEETING DATE: December 1, 2008

AGENDA ITEM TITLE: State Tax Credit Review Resolution - A resolution of the City Council for the City of Salida declining to act as a reviewing entity for the state income tax credit program for qualifying rehabilitation projects under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended)

PRESENTED BY: Dara MacDonald, Community Development Director

REQUEST:

The request is to pass a resolution agreeing that the City will not be the reviewing entity for historic preservation tax credit applications.

BACKGROUND REVIEW:

Certified Local Governments have been asked annually to pass a resolution as to whether or not they agree to be a reviewing body for the State Income Tax Credit Program for qualifying rehabilitation projects. Beginning in 2008, the resolutions will not be required each year, although the City may, by resolution, change their status at any time.

In 2004, 2005, 2006 and 2007 the City Council passed resolutions to not be a reviewing entity, and the same resolution is being presented again to the City Council. While we should consider taking on this responsibility locally in the future, we do not have the staff available for an additional review process.

During their meeting on November 20, 2008, the Historic Preservation Commission passed a motion recommending that the Council approve this resolution. However, they wanted it noted that the City should work towards becoming a reviewing entity in the future as it would be beneficial to the community.

RECOMMENDATION:

Staff would suggest recommending the City Council pass the resolution for the City of Salida declining to act as a reviewing entity for the state income tax credit program for qualifying rehabilitation projects under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended).

ACTION:

A Council member should make a motion "to approve Resolution 2008 -~~93~~ of the City Council for the City of Salida declining to act as a reviewing entity for the state income tax credit program for qualifying rehabilitation projects under Colorado House Bill 90-1033 (C.R.S. §39-22-514, as amended)."

Followed by a second and voice vote.

RESOLUTION NO. 93

A RESOLUTION OF THE SALIDA CITY COUNCIL DECLINING TO ACT AS A REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT PROGRAM FOR QUALIFYING REHABILITATION PROJECTS UNDER COLORADO HOUSE BILL 90-1033 (C.R.S. §39-22-514, AS AMENDED)

WHEREAS, the Salida Historic Preservation Commission and the City Council support the creation of incentives to assist in the preservation and protection of historically significant resources; and

WHEREAS, Colorado House Bill 90-1033 (C.R.S. § 39-22-514, as amended) was signed into law April 20,1990, establishing tax credits for historic structures throughout the state; and

WHEREAS, Salida, as a Certified Local Government, pursuant to the provisions of 16 U.S.C. § 470 (a) (C) (1), as amended, is eligible to review such rehabilitation tax credit projects as a reviewing entity as defined by C.R.S. § 39-22-514 (12) (1); and

WHEREAS, the provisions of C.R.S. § 39-22-514 (10) (a) require that each Certified Local Government adopt annually a resolution stating whether such Certified Local Government will act as a reviewing entity during the following twelve (12) months; and

WHEREAS, the Salida Historic Preservation Commission, as the City of Salida's official review board for historic resources, endorses rehabilitation project reviews at the local level, which provide an increased level of preservation service to our community; and

WHEREAS, the City of Salida does not have adequate resources at this time to take on the responsibility of acting as a reviewing agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO:

The City of Salida, through the Salida Historic Preservation Commission, hereby declines to act as a reviewing entity for the purposes of subsections (3) and (6) of C.R.S. § 39-22-514 for calendar year 2009 and all subsequent years until such time as the City determines it has adequate staff and resources to take on review of tax credit applications. The City will provide information and education to the community within the context of historic preservation and refer interested parties to the Colorado Historical Society for detailed information on rehabilitation tax credits.

RESOLVED AND PASSED this 1st day of December, 2008.

[SEAL]

Mayor

ATTEST:

City Clerk



MEMORANDUM

TO: Honorable Mayor Rose and City Council
FROM: Mike Copp, Interim City Administrator
DATE: December 1, 2008
SUBJECT: Administrator's Report

The following items are submitted for your action or consideration as indicated.

1. 2009 Salida Street Program-approval

Please find attached the streets that the City of Salida will seal coat and do pavement overlay for 2009. If Council approves the program, the City will finalize the specifications and put them out to bid. We expect to award the bids in January and begin construction as soon as weather permits.

2. City Administrator Search-update

The City of Salida has reached its three finalists for the position of City Administrator. They are:

Jack D. Lewis from Jackson, WY
Daniel R. Dible from Hobbs, NM
Chris S. Lamay from Elizabeth, CO

On Thursday December 4th starting at noon, the candidates will spend the afternoon with staff members. At 6:00 PM that evening, the City will host a public meet and greet for the candidates at the Steam Plant. We are hoping that the public will come and give Council or me their feedback.

Formal interviews with City Council will begin at 8:00 AM on Friday December 5th, followed by a discussion concerning the candidates. A schedule of events for December 4th and December 5th is attached.

3. Poncha Hot Springs RFP-approval to release

At the last City Council meeting I handed out a draft RFP for the potential lease of property of the Poncha Hot Springs property. I am asking Council to allow me to finalize and release the RFP in order to move forward in the lease process. We are hoping to be able to identify an acceptable proposer to do the due diligence on the property and present to City Council their ideas for development of the land and hot springs.

4. Episcopal Church Street Ideas-update

At the last City Council meeting, the City was approached about taking down three street trees in front of the Episcopal Church. Please know that they are scheduled to be removed in January of 2009.

**Candidates for City Administrator
Schedule**

Thursday December 4, 2008

- 12:00 PM-1:30 PM **Lunch**
 Jack Lewis- Bews, Taylor, Oversole, Amidon
 Dan Dible- MacDonalld, Clark, Vance
 Chris Lamay- Schmidt, Varnum, Sack, Martinez
- 1:33 PM-3:00 PM **Meetings with Staff**
 Jack Lewis- MacDonalld, Clark, Vance-Administrator's Office
 Dan Dible- Schmidt, Varnum, Sack, Martinez-Council Chambers
 Chris Lamay- Bews, Taylor, Oversole, Amidon-Fire Dept.
- 3:00 PM-4:30 **Meetings with Staff**
 Jack Lewis- Schmidt, Varnum, Sack, Martinez-Council Chambers
 Dan Dible- Bews, Taylor, Oversole, Amidon-Fire Dept.
 Chris Lamay- MacDonalld, Clark, Vance-Administrator's Office
- 6:00 PM-8:00 PM **Candidates Meet and Greet the Public**
 Salida Steam Plant

**Candidates for City Administrator
Formal Interview Schedule**

Friday December 5th, 2008

Dan Dible 7:30 AM Meet with Mike Copp at the City Administrator's Office
 8:00-9:30 Meet with City Council at the Steam Plant Annex

Jack Lewis 9:00 AM Meet with Mike Copp at the City Administrator's Office
 9:30-11:00 Meet with City Council at the Steam Plant Annex

Chris Lamay 10:30 AM Meet with Mike Copp at the City Administrator's Office
 11:00-12:30 Meet with City Council at the Steam Plant Annex

12:30 PM City Council review and critique of Candidates



DATE: November 25, 2008
TO: Mike Copp, City Administrator
FROM: Robert Vance, Public Works Director
RE: Update for Administrators Report

Below you find the tentative list of roads for the Chip Seal project and Road Overlay 2009. These roads are tentative as I am looking for suggestions and comments. I have also referred this list to our engineer for his review. The idea was to first list roads that will have the best benefit and to try and encompass as many different sections of the City as possible. If you or Council feel there are other roads that would be of greater benefit please let me know so I can evaluate them.

The Roads for the Chip Seal Project 2009 are as follows and equal approximately 8.97 miles:

Road Name	From	To	Length	Width
Park Ave	Scott	Teller St	0.46	50
Teller St	SH 50	Park Av	0.47	34
Poncha Bd	CR 140	3rd	0.77	45
Pitkin	Poncha	Crestone	0.27	40
2nd St	Caldwell	SH 291	0.97	36
3rd St	Caldwell	SH 291	1.16	34
7th St	Teller	Poncha	0.76	34
F St	SH 50	Culdesac	1.23	34
G St	SH 50	Sackett	1.21	34
D St	SH 50	Sackett	1.03	34
New St	Sh 50	D St	0.23	24
State St	SH 50	9th	0.14	24
9th St	State	F St	0.27	34

The Roads for the Overlay Project 2009 are Jones, 6th, Holman, Crestone, Scott, Wood, Ouray, Nichols, and Maxwell Streets. The mileage for this project is approximately 2.87 miles.

Together the projects will result in 11.84 miles of road improvements within our community for 2009 at an estimated cost of \$900,000.00. We are also planning on doing the engineering for the Sackett rebuild in 2009. Then beginning in 2010 we will start the rebuild of Sackett Ave. and in 2011 the rebuild of H Street.



**CITY OF SALIDA
CITY COUNCIL AGENDA ITEM**

MEETING DATE: December 3, 2008
AGENDA ITEM TITLE: City Clerk Report
PRESENTED BY: Janella Martinez, City Clerk
AGENDA SECTION: Department Reports

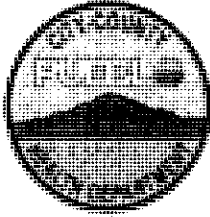
Three water samples were submitted dated 11/17/08 (2), and 11/19/08 (1). All tested safe as reported by the Colorado Department of Health.

The conference for Municipal Clerks was very informative. Sessions ranged from Elections by Donneta Davidson (the former Colorado Secretary of State), Communication, Going Green in the Municipal office and Legislative updates by CML's Executive Director, Sam Mamet and many others. The conference is a great opportunity to network with other municipal clerks and is important for maintaining my Certification with the International Institute of Municipal Clerks. There have been issues in the last year with the point system for clerks that are issued through the IIMC. The Colorado Municipal Clerks Association is working diligently toward maintaining a valid point system for the Colorado clerks. There has been talk that if the IIMC doesn't resolve these issues, a new State Certification process may be started through CMCA to help clerks achieve their goals for attaining and maintaining CMC and MMC status.

Jennifer Orr did a great job in my absence. I would like to acknowledge her and am requesting that Council please tell her thank you when coming through City Hall.

Laiya Marlow has been volunteering to help me out on Thursday afternoons. She is Police Officer Steve Marlow's daughter. If you stop in while she is in City Hall, please take time to acknowledge her for her sense of community. I truly appreciate her help.

If you have any questions, please feel free to call me at 539-2311 or stop by anytime.



Drinking Water Bacteriological Analysis Results

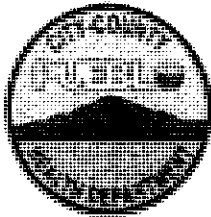
Pueblo City-County Health Department Laboratory
151 Central Main
Pueblo, CO 81003
(719) 583-4318
www.pueblohealthdept.org

City of Salida

PO Box 417

Salida CO 81201

Sample: 08-6163 **PWSID:** CO0108700 **SystemName:** City of Salida
Collector: J Watts 11/19/2008 3:40:00 PM RTOR Routine Distribution
Address: Hampton Inn Fire Hydrant **County:** Chaffee
Chlorine Residual: .71mg/L
Received By: Davis 11/20/2008 2:00:00 PM
AnalysisMethod: Colilert **Fee for Sample:** \$15.00
Results: **Total Coliform:** Absence **Fecal Coliform:** Absence
 EcoliResult: Absence **Comments:**
Date: 11/21/2008 4:00:00 PM **Analyst:** Nelson



Drinking Water Bacteriological Analysis Results

Pueblo City-County Health Department Laboratory
151 Central Main
Pueblo, CO 81003
(719) 583-4318
www.pueblohealthdept.org

City of Salida
PO Box 417
Salida CO 81201

Sample: 08-6051 **PWSID:** CO0108700 **SystemName:** City of Salida
Collector: J. Watts 11/17/2008 2:45:00 PM Routine Distribution
Address: 420 Oak St. Bathroom Sink **County:** Chaffee
Chlorine Residual: 0.33mg/L
Received By: Billings 11/18/2008 1:00:00 PM
AnalysisMethod: Colilert **Fee for Sample:** \$15.00
Results: **Total Coliform:** Absence **Fecal Coliform:** Absence
 EcoliResult: Absence **Comments:**
 Date: 11/19/2008 2:30:00 PM **Analyst:** Billings

City of Salida
PO Box 417
Salida CO 81201

Sample: 08-6052 **PWSID:** CO0108700 **SystemName:** City of Salida
Collector: J. Watts 11/17/2008 7:00:00 PM Routine Distribution
Address: 7360 West Hwy 50 Coffee Bar Sink **County:** Chaffee
Chlorine Residual: 0.22mg/L
Received By: Billings 11/18/2008 1:00:00 PM
AnalysisMethod: Colilert **Fee for Sample:** \$15.00
Results: **Total Coliform:** Absence **Fecal Coliform:** Absence
 EcoliResult: Absence **Comments:**
 Date: 11/19/2008 2:30:00 PM **Analyst:** Billings